

F685
B981

Conservation Resources

Lig-Free® Type I

pH 8.5, Buffered

F 685
.B981
Copy 1

SPEECH

OF

HON. A. R. BUTLER,

OF

SOUTH CAROLINA,

ON THE

BILL TO ENABLE THE PEOPLE OF KANSAS TERRITORY
TO FORM A CONSTITUTION AND STATE GOVERN-
MENT, PREPARATORY TO THEIR ADMIS-
SION INTO THE UNION, ETC.

DELIVERED

IN THE UNITED STATES SENATE, JUNE 12, 1856.

WASHINGTON:
PRINTED AT THE UNION OFFICE.
1856.

S P E E C H .

MR. BROOKS AND MR. SUMNER.

Mr. BUTLER said :

Mr. PRESIDENT : The occasion and the subject upon which I am about to address the Senate of the United States, at this time, have been brought about by events over which I have had no control, and could have had none—events which have grown out of the commencement of a controversy for which the senator from Massachusetts (not now in his seat) [Mr. SUMNER] should be held exclusively responsible to his country and his God. He has delivered a speech the most extraordinary that has ever had utterance in any deliberative body recognising the sanctions of law and decency. When it was delivered I was not here; and if I had been present, what I should have done it would be perfectly idle for me now to say, because no one can substitute the deliberations of a subsequent period for such as might have influenced him at another time and under different circumstances. My impression now is that, if I had been present, I should have asked the senator, before he finished some of the paragraphs personally applicable to myself, to pause; and if he had gone on, I would have demanded of him the next morning that he should review that speech, and retract or modify it, so as to bring it within the sphere of parliamentary propriety. If he had refused this, what I would have done I cannot say; yet I can say that I would not have submitted to it. But what mode of redress I should have resorted to I cannot tell.

I wish I had been here. I would have at least assumed, as I ought to have done on my responsibility as a senator, and on my responsibility as a representative of South Carolina, all the consequences, let them lead where they might; but instead of that, the speech has involved his own friends and his own colleague. It has involved my friends. It has involved one of them to such an extent that, at this time, he has been obliged to put his fortune and his life at stake. And, sir, if the consequences which are likely to flow from that speech shall end in blood and violence, that senator should be prepared to repent in sackcloth and ashes.

Now, I pronounce a judgment on that speech which will be adopted by the public. I am as certain as I am speaking that it is now condemned by the public mind, and by posterity it will be consigned to infamy, for the mischievous consequences which have flowed from it already, and such as are likely yet to disturb the peace and repose of the country.

I said nothing, Mr. President, at any period of my life—much less did I say anything in the course of the debate to which he purports to have made a reply—that could have called for, much less have justified, the gross personal abuse, traduction, and calumny, to which he has resorted.

When I was at my little farm, enjoying myself quietly, and, as I thought, had taken refuge from the strifes and contentions of the Senate and of politics, a message was brought to me that my kinsman had been involved in a difficulty on my account. It was so vague that I did not know how to account for it. I was far from any telegraphic communication. I did not wait five minutes before I left home to put myself within the reach of such information—and garbled even that was—as was accessible. I travelled four days continuously to Washington; and when I arrived I found the very subject under discussion which had given me so much concern; and it has been a source of the deepest concern to my feelings ever since I heard of it, on many accounts—on account of my country, and on account of the honor and the safety of my kinsman. When I arrived here I found the subject under discussion. I went to the Senate worn down by travel; and I then gave notice that, when the resolutions from Massachusetts should be presented, I would speak to them, as coming from a Commonwealth whose history, and whose lessons of history, had inspired me with the very highest admiration—I would speak to them from a respect to a Commonwealth, whilst, perhaps, the senator who had been the cause of their introduction ought not to deserve my notice, and would not have received it.

Well, sir, days passed, and those resolutions were not presented. Now they have been

presented, and presented in a different way from any that I have ever known to be submitted from any Commonwealth before. They were not presented to one of its senators, but were sent directly to the President of the Senate and the Speaker of the House of Representatives. I waited for some time, with the expectation that when these resolutions should come I would acquit myself of the painful task which circumstances had devolved upon me. They did not come until yesterday—more than two weeks after their adoption.

In the mean time—on Monday last—I gave notice that I would address the Senate to-day, under the confident belief, not that the present senator [Mr. WILSON] would be here—because I have nothing to do with him—but that the senator who has been the aggressor, the criminal aggressor, in this matter, would be present; and if I give credence to the testimony of Dr. Boyle, I see no reason why he should not be present. For anything that appears in that testimony, if he had been an officer of the army, and had not appeared the next day on the battle-field, he would have deserved to be cashiered.

Sir, I am at a loss to know why he has aimed his assaults at me individually, and at my State on more occasions than one; but I am willing to adopt the clew afforded by the Rev. Mr. Beecher; and, as it is a clew upon the subject, I rely on it. I wish nothing of mine to go out that I do not intend to be entirely consistent with the convictions of my mind. I ask to have Mr. Beecher's remarks read. I adopt them, and they will acquit the senator—or they will go very far to acquit him.

The Secretary read as follows:

"The only complaint which I have ever heard of Senator Sumner has been this: that he, by his shrinking and sensitive nature, was not fit for the 'rough and tumble' of politics in our day. He would have held himself back, and avoided giving the slightest offence, had it not been that he was reprobated and goaded into it by, as I think, the injudicious criticism of friends."

Mr. BUTLER. Sir, I believe it, and it will acquit his motives to some extent. Instead of making his speech here his own, as a senator, under the obligations of the constitution, and the highest sanctions which can influence the conduct of an honorable man—instead of making it the vehicle of high thoughts and noble emotions that would become a man and a senator—it is obvious now that he has made that speech but the conduit—I will use a stronger expression—the fang through which to express upon the public the compound poison of malignity and injustice.

This is confirmed by his remarkable exordium; for, in many respects, this is the most extraordinary speech that has ever found its way in any book, or upon any occasion, ancient or modern. I have never before heard of proem or exordium by proclamation; and yet, before the delivery of his speech, by a telegraphic proclamation to Theodore Parker, he uttered this remarkable sentence: "Whilst you are deliberating in your meeting I am about to pronounce the most thorough philippic that was ever heard in the Senate of the United States." This is in conformity with Mr. Parker's opinion. He was a flexible conformist invoking the spirit of Theodore Parker as his muse to sustain him in the strife for which, by his nature and his talents, he was not fit. Sir, it was the tribute and deference of a flexible conformist, willing to be a rhetorical fabricator to carry out the views and subserve the purposes of a man who, as I understand, is of an iron will and robust intellect; who loves controversy, and has abilities which more fit him, perhaps, for that than for worshipping the lamb as the emblem of innocence, and as the prototype of that Christ whose doctrines he has professed. To conciliate Parker the senator must make war upon South Carolina and upon myself. If he supposed that he would gain laurels by any attack on me because I was a "foeman worthy of his steel," I might feel complimented; but there was no such purpose. It was to pander to the prejudices of Massachusetts, or a portion of Massachusetts—for God forbid that I should say anything which is not proper of Massachusetts—to pander to a portion of Massachusetts by assailing South Carolina. Before I leave I shall say what I think, and if he were here in his place I would make him hang his head in shame; for I will demonstrate, before I conclude, that, in what he has said of South Carolina, he has aspersed the nearest and dearest comrade of his mother. Yes, sir, a degenerate son, incapable of appreciating the relations which subsisted between Massachusetts and South Carolina at a time when there was something more of peril to be encountered than exhibitions of rhetoric in the Senate of the United States; when men placed their lives and their fortunes on the issue which had been made. I will prove him a calumniator. While he has charged me with misstating history, law, and the constitution, let me say that "he who lives in glass houses should not throw stones." I here say, and I pledge myself to it, that I will convict him, and shall demand of the Senate a verdict of guilty.

But, Mr. President, there is one result of this speech which I think may be regarded as good. It is shown, as Mr. Beecher says, that he is unfit for the war of debate. He has no business to gather the glories of the Senate chamber and fight with orators, unless he is prepared to maintain the position of an honorable combatant. Though his friends have invested him with the crest of Achilles and offered him his armor, he has shown that he is only able to fight with the weapons of Thersites, and deserved what that brawler received from the hands of the gallant Ulysses.

I must say, Mr. President, that I was utterly disappointed in the body of the speech. Independent of the personalities which have distorted and disgraced it, there is nothing in the

speech to distinguish it from pretty nearly all the speeches which he has made upon this subject—and I believe he has scarcely made any speeches on any other. He is one of those one-idea men who always go one way. Whilst this speech has much of the identity of former efforts, it has none of the freshness of their originality. If there is anything that varies it at all, and distinguishes it from the others, it is the calico pictures impressed upon the “warp and woof” of his former speeches in the form of quotations; some of which—I say it as a moralist and as a senator—stain the cloth upon which they are impressed, more by their obscenity than he can adorn it with the glare of their coloring.

I have made these remarks upon the character of the speech. He may regard them as criticism. Whether my critic may be one that will be adopted by the public, or such as will address itself to the good taste and good sense of this audience, I know not. I have given the convictions of my mind. After these remarks upon the character of the speech, I come to make my points; and I will maintain them, not by general charges without specifications; not by that proclivity to error and falsehood which he so decently imputed to me; not by general declamation from which he can take refuge in his own authority; but I will prove them by documents beyond all question.

In the first place, I say, that what the senator said of me and of the State of South Carolina was dragged into the debate by no law of legitimate association or connexion; but it was injected into his speech positively in disregard of the tone and spirit of mine—neither in reply to, nor in recognition of, the kindness and forbearance which pervaded my speech. Sir, I am now passing through the last chapter of my public life. When I came here this year, I said to friends, “The last thing I would wish is to have my name or reputation, if I have any, associated with party strife, much less with party contentions.” My speech upon the Kansas question was the most guarded and remarkable for its forbearance of any that I have ever delivered. I commenced it by this declaration:

“It may be said that I have passed through the ordeal of experience, and perhaps of time, and that they have had their influence on my temper; but, sir, I look on anything like a rupture in civil government, and especially such a one as would throw us into the horrors of anarchy, with not the same view as others who may be more intrepid, and who may think they can come out of it without hazard to themselves. There is nothing so mischievous to society as any movement affecting its stability, uncontrolled by responsibility and unregulated by intelligence.”

Upon another occasion I remarked that I would be the last man to do or to say anything that would commit the issue in Kansas to the arbitrament of the sword in the hands of youth. Mine was a warning and a kind voice.

Before I proceed with the argument of my main points further, I will make a suggestion which may, perhaps, appear parietical. When the senator from Massachusetts took his seat near me, I knew that he was a free-soiler, or abolitionist, as it was termed; but notwithstanding that, I had read some of his productions, and he was introduced to me, or perhaps I to him. I had known many who came into the Senate of the United States reeking with prejudices from home, who afterwards had the courage to lift themselves above the temporary influences which had controlled them. I supposed that a man who had read history could not be a bigot. I believed that one who was imbued with the literature which that senator's mind had imbibed, could not sin in the face of light and truth, and the lessons of history. With these views I did not hesitate to keep up what my friends complained of, an intercourse with him, which was calculated to give him a currency far beyond what he might have had if I had not indulged in that species of intercourse. My friends here and everywhere know it. When I made my reply to him on the Nebraska and Kansas bill, I complimented him. I did not hesitate to compliment him, and he was gratified at it, for he said so. His opinion of me as a lawyer was very different then, (if I may be allowed to speak of what he then said) not only on this floor, but to other persons. I did not hesitate to forbear a proscriptive judgment on any man because he happened to differ with me to-day or to-morrow; for life, sir, is but a span anyhow. I thought the time might come when the tide of events would bring to him the awful certainty of the doctrines which he held, and which, in the first instance, when he came here, he was not disposed to propagate.

Things stood in this way until one day when it was proposed here to repeal the fugitive slave law. I said that I had no great confidence in that law, and turned to him with an honest purpose, with no design whatever to provoke anything like a personal or sectional issue, and asked of the senator from Massachusetts whether if there were no fugitive-slave law, Massachusetts would be willing to carry out the provisions of the constitution. Then it was, in exclamation, or, as he said, “impulse”—an impulse, as I characterized it then, of the drawer—he rose and asked me if “he was a dog to do that thing?” I treated this answer with ridicule; it absolutely did not touch my heart; and after it I spoke to him.

Three days afterwards he came in with a labor of philippic touching me more deeply than he had before; but he then made, for the first time, a charge affecting the revolutionary history of South Carolina, by saying that John Rutledge, who was honored by Washington and all his countrymen, and who is a historical character, had offered, in 1779, in negotiation with Prevost, at the gates of Charleston, that South Carolina should be neutral during the war of the Revolution. I did not wait until the next morning to reply to him. I responded at

once ; and I have no doubt I replied with indignation. I have no doubt that my heart threw the words upon him. Mortified vanity has no conscience. It may be that he did not think he came out of that controversy with as much credit as he shou'd—at 'east his friends may have thought so. I gave him notice, however, that after that I should have no communication with him whatever—the bridge had been cut down—and I never have had.

Two years elapsed, and during that time I am bound in justice here to say, I have scarcely spoken to, of, or about him ; and perhaps, when I did speak about him, I said something which he would have been gratified to hear. My friends think that sometimes I did. Whatever the temptation of my resentment may be, I have passed, and shall pass, through life with one determination : If I can't do justice, I will not do injustice to any man. I have exhibited here in debate, on more occasions than one, impatience and excitability. These are peculiarities which have followed me from the cradle. Perhaps sometimes anger in its ebullitions may have found an expression from me ; but, thank God, I can say it was but a transient feeling, which at the time gushed from the heart ; it was a feeling which subsequently was suppressed by reason and repentance. That, however, is a failing which cannot inhabit the same mind with treachery and malignity.

Now, sir, I proceed to make my points ; and I shall show that what the senator said of myself and South Carolina was not in response to anything which I said ; that he has gone outside the record to bring into the debate matters which did not legitimately belong to it by association or connexion.

I will maintain these three propositions so certainly that, in my opinion, there will not be one mind here, unless it be disposed to morally perjure itself, which will not acquiesce in them. I will show that his remarks upon me and South Carolina were untrue and unjust ; the language used was licentious ; the spirit which prompted it was aggressive ; and the whole tenor and tone of the speech was malignant and insulging.

In no speech which I have made during this session did I name Massachusetts or South Carolina. This is a most remarkable thing, considering the nature of the debate. I have cussed what I said, and I have not introduced South Carolina by name into the debate, nor have I brought in Massachusetts. Yet, sir, this senator alludes to me in two paragraphs. I should like to know why he did not finish my picture in one sketch on the first day, when he spoke of me as being "Don Quixote in love with slavery as a mistress because she was a harlot." I dislike to repeat the obscenity of his illustration. When he had me under review then, why did he not finish me in that general sketch ? He took another night ; and during that night the chaotic conceptions either emanated from his own mind, or were suggested to it by those busy people who seem to have control over him ; and then it was that he made this celebrated attack on me, assailing my reputation as a gentleman of veracity :

"With regret I come again upon the senator from South Carolina, [Mr. BUTLER,] who, omnipresent in this debate, overflowed with rage at the simple suggestion that Kansas had applied for admission as a State ; and, with incoherent phrases, discharged the loose expectation of his speech, now upon her representative, and then upon her people. There was no extravagance of the ancient parliamentary debate which he did not repeat ; nor was there any possible deviation from the truth which he did not make—with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration. But the senator touches nothing which he does not disfigure—with error, sometimes of principle, sometimes of fact. He shows an incapacity of accuracy, whether in stating the constitution or in stating the law, whether in the details of statistics or the diversions of scholarship. He cannot open his mouth but out there flies a blunder. Surely, he ought to be familiar with the life of Franklin ; and yet he referred to this household character, while acting as agent of our fathers in England, as above suspicion ; and this was done that he might give point to a false contrast with the agent of Kansas—not knowing that, however they may differ in genius and fame, in this experience they are alike ; that Franklin, when intrusted with the petition of Massachusetts bay, was assaulted by a foul-mouthed speaker, where he could not be heard in defence, and denounced as a 'thief,' even as the agent of Kansas has been assaulted on this floor and denounced as a 'forger.' And let not the vanity of the senator be inspired by the parallel with the British statement of that day, for it is only in hostility to freedom that any parallel can be recognised.

"But it is a gauntlet the people of Kansas that the sensibilities of the senator are particularly aroused. Coming, as he announces, 'from a State'—ay, sir, from South Carolina—he turns with lordly disgust from this newly-formed community, which he will not recognise even as 'a body politic.' Pray, sir, by what title does he indulge in this egotism ? Has he read the history of 'the State' which he represents ? He cannot surely have forgotten its shameful imbecility from slavery, confessed throughout the Revolution, followed by its more shameful assumptions for slavery since. He cannot have forgotten its wretched persistence in the slave trade as the very apple of its eye, and the condition of its participation in the Union. He cannot have forgotten its constitution, which is republican only in name, confirming power in the hands of the few, and founding the qualifications of its legislators on 'a settled freehold estate and ten negroes.' And yet the senator, to whom that 'State' has in part committed the guardianship of its good name, instead of moving, with backward treading steps, to cover its nakedness, rushes forward, in the very ecstasy of madness, to expose it by provoking a comparison with Kansas!"

Now, Mr. President, I am going to state a proposition which will startle the Senate: what he here undertakes to quote as the constitution of South Carolina, in reference to the eligibility of members of the legislature, is not to be found in it at all. How did he bring it in in response to any speech of mine? He has sworn in his affidavit that what he said was fairly in response to the speeches which I had made. I put the question to senators, and I shall pause for their sentence: How dare he, from anything in my speeches, put his finger—his profane finger—upon the constitution of South Carolina? Is that a response to anything which I said? My speeches heretofore delivered are upon record, and can be referred to. I neither alluded to the constitution of South Carolina, nor did I mention South Carolina in the whole debate; and yet in his affidavit he says that all these are fairly referable as a response to the remarks of the senator from South Carolina! What he has quoted here is not in the constitution of South Carolina; and when he undertakes to subject me to the severity of his criticisms, as a brawler in the statements of law and constitution, let him stand convicted of one of two things—either that he did not read the constitution of South Carolina himself, and adopted it from others; or, that, if he read it, he could not understand it. I intend to dwell upon this point with a view to convict him—not that I am going to vindicate the constitution of South Carolina, but I will convict this rhetorical jurist—this man who undertakes to sit on the tripod, and publish the oracles of Delphi, to sit upon me as a lawyer! My God! what have I come to? A man who never managed a case (as far as I know) in court, to sit on myself who have been thirty-five years engaged in law, either in appearing at the bar or expounding it on the bench!

I have never delivered a judgment on a question of law here, as a member of the Committee on the Judiciary, whether I have made the majority or the minority report, when that senator has not concurred with me; or, if he differed, it has been on sectional questions on which he has been overruled by the overwhelming authority of the Senate. Yet, a man who has agreed with me always—and that is the only bad sign about it [laughter]—undertakes to sit in judgment on my legal attainments! If his authority is worth anything, it is with me, for he has concurred with me. On all the contested election cases we have agreed—except, perhaps, in the Phelps case. There he may have differed from me; but if he did, the Senate overruled him.

That, however, is not the question which I was approaching. I said that what he stated in reference to the constitution of South Carolina was not in response to anything which had fallen from me, and that there was no such thing to be found in the constitution of South Carolina as he has quoted. I will read the clause:

“No person shall be eligible to a seat in the house of representatives unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident of this State three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the house of representatives unless he be legally seized and possessed, in his own right, of a settled freehold estate of five hundred acres of land and ten negroes; or of a real estate of the value of one hundred and fifty pounds sterling, clear of debt. If a non-resident, he shall be legally seized and possessed of a settled freehold estate therein of the value of five hundred pounds sterling, clear of debt.”

I venture to say that nearly half of the members of the legislature of South Carolina, particularly those who come from the towns and cities, do not own a negro at all; and very few of them, as my colleague knows, own five hundred acres of land. Merchants do not want it; lawyers do not want it. The tenure by which they hold their offices is mainly by the latter clause, which the senator left out, that a man to be eligible to a seat in the house of representatives must own property to the amount of £150 sterling, clear of debt. That is a little over \$700. Now I have got him; I call on senators to convict him. There is but one verdict which can be rendered. He has gone out of the way to assail the constitution of South Carolina, and, in assailing it he is guilty of the worst of all faults. I cannot conceive of a worse predicament than his, who, professing pedantic accuracy, and sitting in judgment on the quotations of others, is reduced to the alternative of admitting that he never read what he quoted, or, if he had read it, could not understand it, or garbled it.

Again, sir, he says the constitution of South Carolina is republican only in form. I say there is no State in the Union whose constitution gives a more enlarged right of suffrage. I have not the provision now before me, but I can state what my colleague knows to be the fact, that every free white man of South Carolina, of the age of twenty-one, has a right of suffrage, provided he pays seventeen shillings of tax. I may be mistaken, perhaps, in the amount.

Mr. EVANS. There is no tax at all required, if he is a resident, and has resided six months in the election district. Then he is entitled to vote without property qualification.

Mr. BUTLER. If he has resided there for six months no property qualification is required; but, if he has not resided so long, he must have a very small amount of land. Our people do not even pay a poll-tax. Here is the provision of the South Carolina constitution:

“Every free white man of the age of twenty-one years, paupers and non-commissioned officers and private soldiers of the army of the United States excepted, being a citizen of this State, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot of which he hath been legally seized and possessed at least

six months before such election, or, not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote six months before the said election, shall have a right to vote for a member or members to serve in either branch of the legislature for the election district in which he holds such property, or is so resident."

The senator has presumed to characterize her constitution as republican only in form, when it has the freest and most enlarged right of suffrage of any State in the Union. I grant you that, when the legislature comes into operation under the constitution, there are conservative elements which, I thank God, have withstood the wild feeling of what is called the progress of the times; but it does not become me to allude to them now.

I come next to an allegation which, if the senator were here, I think he would not look me in the face when I repeat; and that is, his insolent and untrue charge of the "shameful imbecility" of South Carolina during the war of the Revolution in consequence of slavery. Sir, ingratitude is the monster of vices, and when it is associated with injustice, it ought to be condemned by the consuming indignation of even those who may to-morrow be our adversaries. What are the facts? The news of the battle of Lexington was carried to Charleston by express; and the very day they received the intelligence the Liberty men, as they were called, broke open the arsenals and distributed the arms. It was but a few days afterwards before Boston sent a vessel to South Carolina for bread and wine. We sent them, I think, \$3,500 worth of provisions, and seventy barrels of wine; the Maine liquor law did not prevail in Boston at that time. [Laughter.] We gave them bread; and, I answer for it, South Carolina has never asked pay for her hospitality. She would never brook the thought of asking pay for the bread she poured out upon her countrymen—countrymen they were, sir. Massachusetts was without powder then, and we furnished her with it.

Here I will say, lest I forget it, that the battles of Lexington and Bunker Hill in the Revolution I regard as the battles of Marathon and Salamis. They gave the Commonwealth of Massachusetts an immortality for commencing the glorious contest which has resulted in the independence of these United States; and I shall be the last man to touch the laurel crown which grows from the blood that enriched the soil upon which those battles were fought. The very powder that was used after the battle of Bunker Hill was furnished by South Carolina. Here is the entry, not only in the history of South Carolina, but in the history of Massachusetts. In Ramsay's History of the Revolution in South Carolina, volume 1, page 43, you will find:

"At the time all these military preparations were making, the whole quantity of powder in the province did not exceed three thousand pounds. The people not originally designing a military opposition, no care was taken to provide stores; but now, reduced to the alternative of fighting or submitting, extraordinary methods were taken to obtain a supply. The inhabitants of East Florida having never joined in measures of opposition to Great Britain, the ports of that province were open for the purposes of trade.

"Twelve persons, in which number were included Captains Tempire, Cochran, Statter, Tufts, Joyner, Messrs. Tebant, Williamson, and Jenkins, authorized by the Council of Safety, sailed from Charleston for that coast, and, by surprise, boarded a vessel near the bar of St. Augustine, though twelve British grenadiers of the 14th regiment were on board. They took out fifteen thousand pounds of powder, for which they gave a bill of exchange to the captain; and, having secured a safe retreat to themselves by spiking the guns of the powder vessel, they set sail for Carolina. Apprehending that they should be pursued, they steered for Beaufort. From that place they came by the inland navigation, and delivered their prize to the Council of Safety, whilst their pursuers were looking for them at the bar of Charleston. This seasonable supply enabled the people of South Carolina to oblige their suffering brethren in Massachusetts, who, though immediately exposed to the British army, were in a great measure destitute of that necessary article of defence."

In a book published in Boston, entitled "Dealing with the Dead," I find these entries:

"Our southern confederates are entitled to *civility*, because they are men and brethren; and they are entitled to *kindness and courtesy from us of Boston* because we owe them a debt of gratitude, which it would be shameful to forget. Since we of the North have presumed to be *undertakers* upon this occasion, let us do the thing '*decenter et ornata.*' Besides, our friends of the South are notoriously *resty* and hot-headed; they are, geographically, children of the sun. John Smith's description of the Massachusetts Indians, in 1614, Richmond edition, 2, 194, is truly applicable to the southern people: '*very kind, but, in their fury, no less valiant.*'"

"I am no more inclined to uphold the South in the continued practice of a moral wrong, because they gave us bread when we were hungry, as they certainly did, than was Sic Matthew Hale to decide favorably for the suitor who sent him the fat buck."

"June 24, 1774.—Twenty four days after the port bill went into operation, a public meeting was held at Charleston, South Carolina. The moving spirits were the Travers and the Elliots, the Horries and the Clarksons, the Gadsdens and the Pinckneys, of that day; and resolutions were passed full of brotherly love and sympathy for the inhabitants of Boston."

"New York, August 15, 1774.—Saturday last Captain Dickerson arrived here, and brought three hundred and seventy-six barrels of rye from South Carolina, to be sold, and proceeds remitted to Boston, a present to the sufferers; and a still larger cargo is to be shipped for the like benevolent purpose."

"Let the work of abolition go forward in a dignified and decent spirit. Let us argue; and,

so far as we rightfully may, let us legislate. Let us bring the whole world's sympathy up to the work of emancipation. But let us not revile and vituperate those who are, to all intents and purposes, our brethren, as certainly as if they lived just over the Roxbury line, instead of Mason and Dixon's. Such harsh and unmitigated scolding and abuse, as we too often witness, are equally ungracious, ungentlemanly, and ungrateful."

The senator says that the Southern States, in consequence of slavery, betrayed during the revolutionary war a "shameful imbecility." I challenge him to the truth of history. There was not a battle fought south of the Potomac which was not fought by southern troops and slaveholders, even if you choose to exclude Pennsylvania, which was at that time a slaveholding State. Muhlenberg's continental regiment was always with them, and I love to allude to it; but not a New England squad, company, or regiment, ever passed the Potomac; and yet the senator says that but for northern aid the Southern States could not have sustained themselves.

Sir, who fought the battle of King's Mountain? It was not fought by anybody in pay. Patriots fought it, but they never received a dollar. That battle made an impression, perhaps the most remarkable of any during the war. It turned the tide of events. Who fought the battle of Cowpens? There was none in that battle from the north of Maryland. Her commander, Howard, is perhaps, in some respects, the hero of that action. Colonel Washington, commander of the cavalry, and Pickens, a citizen of South Carolina, and one of the heroes of the revolutionary war, commanded the militia, and they never shrank from their post. It has been said of the South Carolina militia, during the revolutionary war, that they were the only raw troops who stood to their guns and position whenever they were mustered into the service and called upon to perform duty.

Who fought the battle of Hobkirk's Hill? Gen. Green was the commander; and he afterwards became a slaveholder, and, of his own choice, lived and died in a Southern State, among friends and comrades in arms. Who fought the battle of Eutaw? Was there any New England regiment, or company, or squad there? Not one. That battle, the most distinguished which has ever been fought in the southern portion of the confederacy, was fought by southern slaveholders from Maryland, Virginia, South Carolina, North Carolina, and Georgia. They were exclusively southern troops. In the face of these facts the senator said the imbecility of the South, arising from slavery, was such that they could not fight their battles without aid.

Shame! I call upon the shade of Hancock and Adams to look down and reprove a degenerate son who can thus invade the very sanctuary of the history which has given them immortality.

Do you think that, sir, by this remark I reproach the troops of New England? No, sir. When Yorktown surrendered there was not a New England regiment there; I have a list of the troops who were present. But because I say that southern troops and those from Pennsylvania alone engaged in these distinguished battles, do I reproach the troops of Massachusetts? God forbid! They were under the command of Washington at the time when he went to Yorktown, and, as was his duty, he sent them to defend the vulnerable points of New York and Boston.

Now, I will make a remark which I hope the Senate will remember: Notwithstanding their relative numbers, compared with the pay-list of New England, you may take the fighting days—if you have a mind to compute it as you would labor—you may take the fighting days during which the troops of South Carolina were engaged, and in the computation the balance will be found greatly against Massachusetts. If you have a mind to draw some other test—if you wish to test the question of courage, and measure it by blood—South Carolina has poured out hogheads of it, of which gallons have been poured out by Massachusetts.

In proof of this I give a list of battles fought in South Carolina, and each was a bloody battle:

Battle of Fort Moultrie; battle of Stono; siege of Charleston; battle of Camden; battle of Hanging Rock; battle of Musgrave's Mill; battle of Blackstocks; battle of Georgetown, and the battle at Black Wings, by Marion; battle of King's Mountain; battle of Cowpens; battle of Fish Creek, by Sumter; battle at Ninety six; battle at Fort Goldsborough; battle at Fort Wadsworth; battle at Fort Moultrie; battle at Hobkirk's Hill; battle of Grindly; battle of Cedar Spring; battle of Hessian's Store; battle of Quarry; battle of Eutaw; battle of Royston; battle of Port Royal; battle of Pocotaligo; battle of Coosawhatchie; battle of Wadsworth; battle of Rivers; battle of Bull's Fort; battle of Tarleton; battle of Cleburne's Creek; battle at Hay's Station; bloody battle of Kettle Creek, fought by General Pickens; battle of Hock's defeat.

These were all fought in South Carolina, and in which South Carolinians were engaged, and were bloody battles. In addition, there were almost daily skirmishes fought by Marion and Sumter.

But I do not blame Massachusetts, for I have said she had glory enough, and she was covered with glory enough by taking the bold stand which she did in putting the ball of revolution in motion; but, when the senator undertakes to cast reprobation on the history of South Carolina, he will have to take a comparison. She got bread from her comrade. The man who now reproaches South Carolina, as I said a little while ago, is a degenerate son, revanching the dearest and nearest memory of his mother. You cannot get over the cross he has committed in history; you cannot obviate the malignity with which the arrow has been shot.

Whether he shot it with the reckless aim of one who had his hand upon the bow, and directed the shaft conscious that it had been dipped in the poison of others, I know not; but I have unmask'd him—I have detected and exposed the man who charges me with error, and such a proclivity to error that I cannot observe the line of truth without such deviations as to bring on me the censure, not of one intentionally guilty of falsehood, but one who, under the gust and whirlwind of passion, cannot observe the line of truth. I have detected him; I have exposed him; and now I demand of the Senate a verdict of guilty. I pause, sir.

But now, since he has given his testimony, I will ask that the testimony of another man may be read—the opinion of Daniel Webster with regard to the revolutionary history of South Carolina and Massachusetts.

The Secretary read the following extract from Mr. Webster's reply to Mr. Hayne, delivered January 21, 1850:

"Then, sir, the gentleman has no fault to find with these recently- promulgated South Carolina opinions. And, certainly, he need have none; for his own sentiments, as now advanced, and advanced on reflection—as far as I have been able to comprehend them—go the full length of all these opinions. I propose, sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe, that the eulogium pronounced on the character of the State of South Carolina by the honorable gentleman, for her revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent, or distinguished character, South Carolina has produced. I claim part of the honor—I partake in the prize—of her great names. I claim them for countrymen—one and all—the Laureenses, the Rutledges, the Pinckneys, the Sumpters, the Marion—Americans all—whose fame is no more to be hemmed in by State lines than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation they served and honored the country, and the whole country; and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself bears—does he esteem me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light of Massachusetts, instead of South Carolina? Sir, does he suppose it is his power to exhibit a Carolina name so bright as to produce envy in my bosom? No, sir; increased gratification and delight, rather. I thank God that, if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit which would drag angels down. When I shall be found, sir, in my place here, in the Senate, or elsewhere, to sneer at public merit, because it happens to spring up beyond the little limits of my own State or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country; or, if I see an uncommon endowment of Heaven—if I see extraordinary capacity and virtue in any son of the South—and if, moved by local prejudice or gangrene by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth!

"Sir, let me recur to pleasing recollections—let me indulge in refreshing remembrances of the past—let me remind you that, in early times, no States cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution—hand in hand they stood around the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered."

Mr. BULLER. Sir, Daniel Webster is a Doric statue upon a colossal pedestal raised by the hands of patriots—raised by the hands of statesmen; a pedestal which is imperishable as long as the achievements of heroes, patriots, and statesmen can be transmitted to posterity by history. His tribute to South Carolina is worth something. It is the tribute of a statesman and an orator—of a man who could lift himself above the bigotry, and even prepare to be crushed under the wheel, of wild fanaticism. It is such a tribute as was paid by an orator like Pericles, who had quelled the helots of State, who had an Athenian spirit of patriotism, who was an orator and a statesman. Who is he that now gives a different opinion of South Carolina? Is it not a Cleon—one whose warfare is to assail his antagonist by calumny, and private slander—a man who draws his similes from obscure sources, and always thinks he has conquered when he has mortified and hurt the feelings of his adversary?

Sir, when I look at the evidence to which I have adverted, when I allude to the opinions pronounced between the two gentlemen—between Mr. Webster and the senator from Massachusetts who is absent—I can well say,

"Look upon that picture, and then upon this!"—

I will not finish the quotation; I shall say nothing in this debate but what I believe to be true. If I were to undertake to compare the senator from Massachusetts with the coarseness of Cleon in some of his similes, and his grossness in some of his attacks on his adversary—I mean in point of taste—I might do injustice to my own criticism, because I believe the senator is a man

who understands the use of language--a gentleman who has gone back to classic fountains, and in that respect I separate him from Cleon, but otherwise not at all. Let the young men and boys who hear me, go and read the life of Cleon, and, when they do, let them read the notice which even Grote attaches to it, the author who has taken the most favorable view of that demagogue--who could never lift himself above the local prejudice that surrounded him, and always pandered to it in order to obtain a conquest over his rival who was in power, and was maintaining the honor and dignity of his country.

Now, I come to another branch of the subject, and it is, I confess, the sorest one of all. The senator has made a very grave charge upon John Rutledge; not upon South Carolina in that point of view. The facts in relation to that transaction are these: when General Lincoln was called to the command of the southern army, Prevost was in possession of Savannah, and Georgia in fact was under British authority. When Lincoln took command of the southern troops, he conceived the bold experiment of crossing the Savannah river and reclaiming Georgia. His wily adversary, who was in Savannah, took advantage of his being at Augusta, about one hundred and fifty miles above, crossed the river at Savannah, and made his way to the gates of Charleston. When he reached Charleston, there were but about six hundred troops under the command of Moultrie, and as many under Pulaski. He had about four thousand. The militia, and, I believe, even the women, kept watch the whole night for fear the town would be stormed. In order to gain time, a parley was proposed the next day. Rutledge sent three different commissions. He knew that Lincoln would be upon the British if he could only detain them for a day. That parley was regarded by his friends as a stratagem. Some of his enemies were disposed to assail him for it. Whilst they were on that very parley Moultrie said that Rutledge had no right to touch the garrison; he himself was commander-in-chief, and Rutledge could do nothing as governor to comply with the terms which, for appearance sake, he had proposed. Here is the notice of it by the historian:

"It was presumed by the garrison that General Lincoln, with the army under his command, was in close pursuit of General Prevost, but his precise situation was unknown to every person within the lines. To gain time in such circumstances was a matter of great consequence. A whole day was therefore spent in sending and receiving flags. Commissioners in the garrison at Charleston were instructed to propose 'a neutrality during the war between Great Britain and America; and that the question, whether the State shall belong to Great Britain or remain one of the United States, be determined by the treaty of peace between these powers.'--Ramsay's History, vol. 2, p. 27.

Whilst they were upon that parley, it happened that Lincoln came up and drove off Prevost. That very proposition of Rutledge resulted in the safety of Charleston. Some of his enemies have said that the terror of his situation was so great, the women and children being in the town, with only twelve hundred troops to defend it, that he was willing to capitulate on such terms as would save innocence from the dangers of a storm. His friends have given it a different complexion. Be that as it may, everybody knows that the governor of South Carolina at that time had no power to make such an engagement. Prevost knew it just as well as anybody else. If he had agreed to it, I presume Rutledge could have drawn out of it the next day, on the ground that there was no authority to make the stipulation. It was during the time when this matter was under consultation that Lincoln came up and drove off Prevost, and fought the celebrated battle of Stono, so much spoken of in the southern country.

But suppose that John Rutledge could have subjected them to the terms which the gentleman has censured--for he is not only a superior lawyer to sit in judgment on everybody else's law knowledge, but it appears he is a military man, though I never heard of it before--suppose that John Rutledge had stipulated, as far as he could stipulate, that the people of Charleston should be remitted to British protection as long as they observed their parole, was it anything more than his own countryman, General Lincoln, did, on the 22d of May of the following year? General Lincoln was severely censured for his act; but it was done from feelings of humanity. He could have evacuated the city of Charleston and saved his army, as Washington did at Philadelphia; but, instead of that, he agreed to stand by the houses of the women and children in Charleston notwithstanding hazards, and run the risk of the censure pronounced on him by military men. He capitulated; and what were the terms of the capitulation? That the militia should be under British protection, and should not be disturbed, in person or property, as long as they observed their parole.

That was the act of Lincoln. He could do no more. The military men who were under his command were subject to be exchanged as prisoners of war. The senator has given out of his way to pronounce a judgment against Rutledge to which his own countryman has been actually liable. I will give you an incident to show the difference between the existing injustice and malignity which prevail now and the chivalry which prevailed then. When they came to the terms of capitulation, Lincoln, with the proud spirit of a military man, insisted that he should leave Charleston beating the American march, with his colors unfolded, his bugle blown. Clinton told him, "No, sir; we have reduced you to our own terms, and we intend to degrade you; you are rebels and deserve none of these honors at our hands."

When Yorktown was taken, who was delegated to prescribe the terms of capitulation? John Laurens, of whom it has been said that a daring courage was the least of his accomplishments, and an excellent man of talents. When Laurens was called upon by General

Washington, who behaved on that occasion with a delicacy and propriety which history and poetry ought to commemorate, he told Laurens, "Sir, as your city surrendered to Clinton, I delegate to you the authority to prescribe the terms on which this surrender shall be made." Cornwallis said to him, "These are hard terms to require us to go out with to-d-d colors, and to beat the Turk's march—a neutral march." Laurens said, "There shall not be a dot of an i or a cross of a t in the terms of capitulation at Yorktown which was not observed at Charleston." To make it more delicate to Lincoln, on whom the shade of censure had somewhat passed for his conduct at the siege of Charleston, Laurens said that it was proper to select Lincoln to receive the sword from Cornwallis, as he had surrendered the sword to Clinton. You will see him in the foreground of the picture in the rotundo. There was chivalry, sir—a chivalry peculiar to the days in which it was exhibited. Is such conduct as that to be under the censure of a rhetorical fabriicator at this day? It is hard to bear—it is in just in itself.

Now, sir, I have done with these topics. I have not vindicated the history of South Carolina. I ask the Senate to bear me testimony that I have not gone to this matter with a view to vindicate her. She does not need it. Adopting the language of Daniel Webster, I may say: "There is South Carolina; there she stands; she speaks for herself; she needs no eulogy." She cannot be injured by the detraction of one who is under an influence not of justice, truth, or honor.

Having finished with these thrusts at the constitution of South Carolina, and at her history and character, I come now to another matter in relation to myself. He says that I have such a proclivity to error in my statistics that I have as many words of error as I utter. What a who-essel assertion is that! I range to say, I resorted to no statistics at all on the occasion to which he alluded. When I interrupted the senator from New Hampshire, [Mr. HALE] I had on my table returns from the Charleston custom-house. I alluded to them in general terms, to prove what he cannot dispute: that the slave trade was carried on in northern, and English, and Scotch vessels; that the profits of it redounded to them; and that, when the slave trade was opened, it gave them the regulation of commerce. The venerable grandfather of my friend from Virginia, [Mr. MASON] in the convention, had inserted into the constitution provision that a two-thirds vote of Congress should be necessary for the passage of any measure to regulate commerce.

I say here, that for South Carolina and Georgia it was a short-sighted policy when they gave up the regulation of commerce to the navigation interest, in consideration of their having the slave trade remain open until 1808, with the certainty before them that New England mainly gained the profits of that trade. If the sin of the slave trade is to be imputed to anybody, let it be imputed to the hand that took the child from under the tree, separated it from its mother in Africa, and brought it to this country under circumstances that, I confess now, are shocking. If it were to dwell on some of the circumstances of that slave trade, as I have heard them from Africans, and believe them to be true, they would shock the Senate. The slave trade threw its profits into New England. As a friend of mine from South Carolina [Mr. KEITT] said in the other House, if New England will to-day come back and return all the money she has got out of the slave trade, we will strike a balance with her and let her buy them; but she would not take them. This time, when the condition of the slave is better than it ever was at any other, is the very occasion when they are making war upon the institution. It is the common practice in my district—I cannot answer beyond my neighbors—to give the laboring hands three and a half pounds of good bacon every week, and as much bread as they can eat. It is the interest of their owners to clothe them. They are a happy, contented, intelligent, and reformed people.

But, sir, the senator undertakes to say that, because I have advocated here the constitutional rights of the South and the equality of these States, I subjected myself to an imputation which I shall not read myself. It bears his own handiwork. Mr. Secretary, I beg your pardon for asking you to read such a thing as this; but it is your duty, not mine.

The Secretary read the following extract from Mr. SUMNER's speech of May 19:

"But, before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from senators who have raised themselves to eminence on this floor in championing of human wrongs. I mean the senator from South Carolina [Mr. BUTLER] and the senator from Illinois, [Mr. DOUGLAS] who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure. I regret much to miss the elder senator from his seat; but the cause against which he has run a tilt with such activity of anosity, demands that the opportunity of exposing him should not be lost; and it is for the cause that I speak. The senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows; and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight—I mean the harlot slavery. For her his tongue is always profane in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hard-hood of assertion is then too great for this senator. The phrase of Don Quixote in behalf of his wench, Dulcinea del Toboso, is all surpassed. The asserted rights of slavery, which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the slave States cannot enjoy what, in

mockery of the great fathers of the republic, he misnames equality under the constitution—in other words, the full power in the national territory to compel fellow-men in partibus to separate husband and wife, and to sell little children at the auction-block—sir, the chivalric senator will conduct the State of South Carolina out of the Union! Heroic knightly exalted senator! a second Moses come for a second exodus!

"But not content with this poor menace, which we have been twice told was 'measured,' the senator, in the unchained chivalry of his nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them 'sectional' and 'Bentonian' and opposition to the usurpation in Kansas he denounces as 'an incendiating fanaticism.' To be sure, these charges lack all grace of moderation, and all sentiment of truth; but the adventurous senator does not he hate! He is the uncompromising, unblushing representative on this floor of a flagrant *sectionalism*, which now dominates over the republic; and yet, with a ludicrous ignorance of his own position—unable to see himself as others see him—or with an effrontery which even his white head ought not to protect from rebuke, he appeals to those here who resist his *sectionalism* the very epithet which designates himself. 'The men who strive to bring back the government to its original policy, when freedom, and not slavery, was national, while slavery, and not freedom, was sectional, he arraigns as *sectional*.' This will not do. It involves too great a perversion of terms. I tell that senator that it is to himself, and to the 'organization' of which he is the 'earnestly committed advocate,' that this epithet belongs. I now fasten it upon him. For myself, I care little for names; but since the question has been raised here, I tell him that the representative party of the Union is in no just sense *sectional* but, more than any other party, *national*; and that it now goes forth to dislodge from the high places of the government the tyrannical *sectionalism* of which the senator from South Carolina is one of the maddest advocates."

Mr. BUTLER. Now, Mr. President, how any man who has not been excluded from society could use such an illustration on this floor, I know not. I do not see how any man could obtain the consent of his own conscience to rise in the presence of a gallery of ladies, and give to slavery the personification of a "mistress," and say that I loved her because she was a "harlot." I beg pardon for repeating it. What, in the name of justice and decency, could have ever led that man to use such language? That is the language of Cleon. It is a somewhat remarkable thing that, in the speech which I delivered here in reply to the senator from New Hampshire, I used the word "slavery" but in one paragraph, and that was in response to a remark of his speech of the Supreme Court as "the charter of slavery." I rebuked him. I said I would rather regard that court as the defender or as the promotor of the constitution; and that he was at too great a distance ever to reach it by any arrow which he could discharge from his bow. *Sectionalism* was not in the speech itself. When I spoke of individuals in a particular section, I did not speak in terms which would imply or convey the idea that I meant the public of the slaveholding and non-slaveholding States. I confined it to that section who are offing at this time, I hope to a limited extent, and who are beginning their fits until they will be reduced to the emetic ashes of disapprovement and disgrace. I did not speak of exterior slaves in another point of view. Sir, there are men on this floor who I believe have a very different view. I would not make any personal allusion to them. Far from wishing to do so. The object of my speech was to appeal to the public sentiment. In the course of it I venture to say what I had never said before—that the man does not live who could look without concern at the consequences of a separation of these States effected in blood. I remarked that I would not say there was not intelligence enough ultimately to form new governments and make them a nation of confederacies. Sir, in that speech I intended to throw oil upon the troubled waters. My friend's speech more severely blamed me for the tone of my remarks. The so-called reply was already in the sap, too venomous to be laid, and the so-called to use his speech as a pretext to point it out on me and on the country, when he had his occasion then was presented by my speech which I ever before made. Anybody who says we are incapable of preserving free institutions I should be inclined to consider a slanderer on free institutions; but I will never agree to live in any government that has not some protective and enforcement provisions of a constitution to preserve my rights. If the government ever is, as it formerly was, with Carolina and Massachusetts having a common interest, do you think the senator could arise as an adversary to be applauded by his people? There was a time, sir, when his people would have disgraced him for that very speech. At this day I do not say they will acquit any human being; I dare say they will not; but the time is coming when there will be but one opinion—that that is the most mischievous speech which has ever been delivered in this country, and has involved more innocent persons. If the contest goes on upon such issues as it makes, blood must flow. I do not look on any such scenes with pleasure. I have not temper for them; though when a young man I fought, perhaps, not have been indisposed to embark in the hazards of contests.

Whilst upon this point, I may remark that Josiah Quincy, for whom I have heretofore had a great respect, says the senator has not gone a hair's breadth beyond the line of duty and truth. After my explanation here I hardly think he will say so. He is the only man of high respectability whom I have yet seen or heard make such a declaration. He made it, too, with a reproach that I was sorry to see escape from such a man. He said, alluding to the

fracas in the Senate-house, not in the Senate, that it is only a part of that tribe who carry bowie-knives and revolvers. Sir, I never wore a secret weapon in my life. I am not going to discuss the fact that I have used open weapons; and that is the only way I choose to deal, but that is not the way we can get them to deal with us.

Unfortunately, I have had scenes of that kind which I have regretted all my life to some extent. I am mortified to hear such a man as Quincy making a charge upon a whole section, when I question if there is a southern man in this house with a pistol or bowie-knife in his pocket. He has gone out of the way gratuitously to say that we are of a "breed" who wear them as a part of our dress. I am sorry to see such things creeping into the public mind. They mortify me; they annoy me. But now I come to the resolutions of Massachusetts. I ask that they be read.

The Secretary read them as follows:

COMMONWEALTH OF MASSACHUSETTS—IN THE YEAR 1856.

RESOLVES concerning the recent assault upon the Hon. Charles Sumner, at Washington.

Resolved by the Senate and House of Representatives of the Commonwealth of Massachusetts, That we have received with deep concern information of the recent violent assault, committed in the Senate chamber at Washington, upon the person of the Hon. Charles Sumner, one of our senators in Congress, by Preston S. Brooks, a member of the House of Representatives from South Carolina—an assault which no revocation could justify—brutal and cowardly in itself—a gross breach of parliamentary privilege—a ruthless attack upon the liberty of speech—an outrage of the decencies of civilized life, and an indignity to the Commonwealth of Massachusetts.

Resolved, That the legislature of Massachusetts, in the name of her free and enlightened people, demands for her representatives in the national legislature entire freedom of speech, and will uphold them in the proper exercise of that essential right of American citizens.

Resolved, That we approve of Mr. Sumner's manliness and courage in his earnest and fearless declaration of free principles, and his defence of human rights and free Territory.

Resolved, That the legislature of Massachusetts is imperatively called upon by the plainest dictates of duty, from a decent regard to the rights of her citizens, and respect for her character as a sovereign State, to demand, and the legislature of Massachusetts hereby does demand, of the national Congress, a prompt and strict investigation into the recent assault upon Senator Sumner, and the expulsion by the House of Representatives of Mr. Brooks, of South Carolina, and any other member concerned with him in said assault.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolves to the President of the Senate, and Speaker of the House of Representatives, and to each of the senators and members of the House of Representatives from this Commonwealth, in the Congress of the United States.

HOUSE OF REPRESENTATIVES, May 29, 1856.—Passed.

CHARLES A. PHELPS, *Speaker.*

IN SENATE, May 30, 1856.—Passed.

ELIHU C. BAKER, *President.*

Approved, May 31, 1856.

HENRY J. GARDINER.

SECRETARY'S OFFICE, Boston, May 31, 1856.

I certify the foregoing to be a true copy of the original resolves.

Attest:

FRANCIS DEWITT,

Secretary of the Commonwealth.

Mr. BUTLER. These resolutions give rise to more serious reflection than anything which has occurred to me in my time. I have been in the Senate for ten years, and this is the first occasion that I have ever seen one of the sovereign States of the Union taking cognizance of matters which occurred in Congress with a view to influence the judgment of Congress in relation to one of their members. This is the first occasion of the kind in the history of the country. It has been done from an *ex parte* view of the subject; for it is now very apparent that the resolutions of Massachusetts were introduced and passed without regard to the evidence. These resolutions anticipated and asserted what may not be true—what the public may not think true—what the Senate may not think true—what the House of Representatives may not think true; and yet the sovereign State of Massachusetts, before there was any evidence, indicted my relative upon rumor—a measure which would have taken Stafford to the gallows. What! sir; indict a man in the language of these resolutions upon the rumor of newspapers? These resolutions—I say it more in sorrow than in anger—betray a temper and precipitancy of judgment that do not look like having a regard to that dignity which is associated with justice. I shall speak respectfully. So far as I have spoken of Massachusetts hitherto, no exception can be taken; but when I speak of Massachusetts now, it must be of Massachusetts as she has sent forth these resolutions—under the influence of a feeling which pervades her—under the influence of a sentiment which denied Daniel Webster the right to speak in Faneuil Hall, and threw off the coffin of Lincoln because he had fallen in performing his professional duties in the

cause of his country. Boston now is not the Boston that she was when Hancock wrote, and Adams spoke, and Otis thought, and Warren felt. They would not recognise her. She is no more the same. Yet, from that very hot-bed of bitter feeling to the South, and especially to South Carolina, have I to look for the feelings which dictated these resolutions. I have to meet an indictment—for what? It is said that the liberty of speech has been violated. Upon that point I intend to deliver some remarks which, whether they be correct or not, I shall throw out. Our ancestors were a people of hardy morality. Generally, when they spoke, they spoke directly from the heart. Such a thing as printing speeches beforehand, or having them printed without being uttered in the Senate, was unheard of in their day. They were men who stood on their legs and spoke out. They had hearts and mouths. They did not resort to the appliances of paper and printing before they brought their speeches here. If the senator from Massachusetts were present, and would answer me, I would put the question to him, "Was not that speech of yours printed and published before you spoke it in the Senate of the United States?" What is the meaning of that provision of the constitution which says that a senator, or a member of the House, for any speech or debate in either house, shall not be questioned in any other place? Does it mean to give the Congress of the United States the power of deciding what is privilege without the courts questioning it? If so, it goes far beyond the settled doctrine in Great Britain at this day, which was maintained by Chief Justice Denman, in the case of Stockdale vs. Hansard; and that case has much to do with the matter now under consideration. Hansard had undertaken, under the authority of Parliament, to publish a book which contained a libel. Without such license or privilege, all agreed that he was responsible. The English House of Commons said that, having granted him the license, it was their privilege. Chief Justice Denman took cognizance of the case, on the broad ground that the courts could determine what was privilege under the constitution of England. He said: "As a common-law judge, I will show the Parliament whether I am not capable of deciding on my responsibility as one of the great departments of this government. Can it be maintained?"—and it is one of the most eloquent decisions I ever read—"that the House of Commons, by claiming a privilege, shall thereby appropriate it to themselves, and screen a villain from the consequence of his libel?" The judge said that although by the law of Parliament newspapers were passed through the country under the frank of members without paying postage, that privilege did not give them the right to make use of a newspaper as a libel. He uses the strong expression: "God forbid that Parliament should afford such a pretext for doing wrong." I say the same thing now.

Will you tell me that a member rising here and handing a speech to the reporter, and telling him to print it, comes within the purview of the constitution? Has he uttered words in debate? Will you tell me that a member who has made a speech of five sentences may append to it a newspaper like the "Tribune," which has libelled me, and has the right to send through the post offices of this government, and have folded by the persons employed in the post-office room at the public expense, into my daughter's parlor, that which would cost him his life if he told it to me? Has it come to this, that a senator upon this floor can claim such an extensive privilege, under the law of Parliament, that he can send off, by the twenty thousand, speeches to England and to the four corners of the globe, where I am not known, and then claim protection upon the ground that he has a privilege which precludes him from being questioned elsewhere for words spoken in debate?

Sir, the difference is an obvious one? Perhaps not more than five hundred or a thousand people heard the senator on the occasion when he uttered me; and I venture to say that, of the number who were present and knew me, not one believed a word of what he said. It is a different thing when he has printed a package of twenty thousand of the documents, franked them, and sent them to England, where, I suppose, he will be highly praised. He will be fed with the oil which kindles English fires, to encourage him to walk in the light of his path. If I were to go to England, they might point at me and ask, "Is that the man so monomaniacal in regard to slavery that he cannot tell the truth?" I am not accustomed to make comparisons, but I will say that there is not a parent or a husband on this floor who can approve the language of that senator. Though I may have bitter enemies here—no doubt I have some, but I do not see why I have incurred their enmity—I venture to say that I do not think a single man on this floor would, if he were put on his oath, say that he believed what the senator said of me. When spread abroad in the form of a libel it becomes of a very different character.

I say that this privilege under the constitution is the subject of judicial inquiry. The courts may say where privilege ends and where libel begins. He has been guilty of a libel. I know, sir, how sacred is the liberty of speech. I know what has been said by Mr. Erskine on this subject—his language has often been praised for its beauty—in the celebrated trial against Tom Paine. Mr. Erskine quoted language which he supposed had been used by Lord Chesterfield. Lord Kenyon said to him:

"Lord Kenyon. That very speech which did Lord Chesterfield so much honor is supposed to have been written by Dr. Johnson."

"Mr. Erskine. Gentleman, I believe it was so, and I am much obliged to his Lordship for giving me a far higher authority for my doctrine; for, though Lord Chesterfield was a man of great wit, he was undeniably inferior in learning, and what is more to the purpose, in monarchical opinion, to the celebrated writer to whom my lord has now delivered the work by his authority. Dr. Johnson then says"—

Gentlemen may avail themselves of this, if they choose, when I come to another part of this matter. Dr. Johnson says, in the language put in the mouth of Lord Chesterfield:

"One of the greatest blessings we enjoy—one of the greatest blessings a people, my lords, can enjoy—is liberty; licentiousness is the alloy of liberty; it is an ebullition—an exrescence: it is a peck upon the eye of the political body, but which I can never touch but with a gentle, with a trembling hand, lest I destroy the body—lest I injure the eye upon which it is apt to appear.

"There is such a connexion between licentiousness and liberty that it is not easy to correct the one without dangerously wounding the other; it is extremely hard to distinguish the true limit between them; like a changeable silk, we can easily see there are two different colors, but we cannot easily discover where the one ends, or where the other begins."

In a subsequent part of this celebrated forensic speech, delivered by Lord Erskine, he goes on to show what is the liberty of speech, and what is its limit. He says, by way of illustration, what is exactly opposite to this case:

"I expect to hear, in answer to what I am now saying, much that will offend me. My learned friend"—

I do not call the senator "my learned friend;" I make this periphrasis on that point—

"My learned friend, from the difficulties of his situation, which I know from experience how to feel for very sincerely, may be driven to advance propositions which it may be my duty, with much freedom, to reply to; and the law will sanction that freedom; but will not the ends of justice be completely answered by my exercise of that right in terms that are decent, and calculated to expose its defects? or will my argument suffer, or will public justice be impeded, because neither private honor and justice, nor public decorum, would endure my telling my very learned friend, because I differ from him in opinion, that he is a fool, a liar, and a scoundrel, in the face of the court?"

If the senator had said, in respectful language, "We have been adversaries on this subject; I differ from you; I think you have been guilty of great errors which deserve the censure of a parliamentary speaker; and I intend to pronounce a censure, believing that I am right and you are wrong; I will detect you in the fallacies of your history; I will detect you in the errors of your law; I will expose those errors"—he would have had a right to do this, and in as strong language as he chose; but when he said, almost in so many words, that my proclivity to error was such that I deviated from the truth in all these particulars, it is a libel in the very language of Mr. Erskine. If he were indicted for a libel tomorrow, could he claim his privilege under the constitution, and would the courts be precluded from deciding the question whether it was a libel or not? There is no one, perhaps, who has a higher ideal admiration for the liberty of speech and the liberty of the press than I have.

The liberty of speech and of the press is the great conservative element of a republic; it is to the political what fire is to the material world—a subservient and efficient minister, when under the control of prudence and intelligence; but when unchecked and unregulated, a consuming foe, withering and blasting everything along its pathway of ruin. Render freedom of speech tributary to the proprieties, decencies, and restraints of social life, and you may crown it with all the munificence and supremacy of intellect and liberty; but release it from them, and it becomes a blind and maddened giant of evil, tearing down the bulwarks of social order, and destroying the very sanctuary of republican liberty. What would you think of a reckless man who should set fire to his own house, or should go about claiming the privilege of throwing his fire wherever he could among the most combustible materials, and say he had the right to do so on the ground that he was a fireman, and could do as he pleased. Away with such liberty! Liberty that is worth anything must be in the harness of the law.

Liberty of speech and liberty of the press must have two restraints. The first is the highest which will always govern a class of men who cannot violate it—the obligations of honor, decency, and justice. Another restraint upon licentiousness is, that a man may publish and speak what he pleases with a knowledge that he is amenable to the tribunals of the law for what he has done. Congress can or may statute to say that men shall not write against religion, or against the government, or against individuals. Neither can Congress pass a law, nor can any State pass a law, depriving the tribunals or the country of the right of saying whether you have gone beyond the limits of liberty, and have used your power, under that name, with criminal recklessness, with a licentious indifference to the feelings of individuals, and the consequences upon society. I do not wish to live in any community where it is otherwise.

The press is losing its power, and it ought to lose it; for it is now beginning to be an engine of private revenge and individual expression, instead of being a responsible organ of public opinion. Suppose I were to go to New York and indict one of the editors there whom I could name for the most atrocious libel that has ever been uttered upon the South. I will not name the editor; but he has uttered a sentiment akin to one which has been expressed by the senator

from Massachusetts. I saw in a New York paper—I have alluded to it heretofore—a statement that the southern States are too feeble and weak to take any part in a war—that all they can do is to take charge of their negroes! It said that if a war should take place between England and the United States, the English fleet would only have to go to the shores of the Chesapeake, and the effeminate masters would be kept at home. Fifty thousand slaves, mired to toil, could be mustered into service, and they would have the power to put their masters to the sword; and when the declaration of peace should come, the result would be the freedom of the slaves and the proscription of the masters! Suppose I should go into the community where this libel was uttered, and indict a man for such a sentiment as this; what would be the consequence in the present state of public opinion? It is idle—worse than idle—to talk about that as a remedy.

Liberty of the press! Sir, that man has franked twenty thousand of his speeches; and some of them, if I am not misinformed, were printed long before it was delivered. To bring him within the privileges of Parliament is a mockery—a perfect mockery.

Now, Mr. President, I approach another most painful part of this case, and I come to it in no bad temper; for, God knows if my heart could be read, there is no one who would sooner than myself have averted the state of things which now exists, if I could, consistently with my honor, and the honor of the gentleman to whom I shall allude. The resolutions of Massachusetts undertook, before any evidence was heard, to pronounce sentence on Mr. Brooks. Sir, I will tell you who Mr. Brooks is, and why he felt so deeply in reference to these abominable libels. I do not alude to him now as my hereditary kinsman; I think that is the smallest view to take of the matter; but I am his constituent. I live in "Ninety-six"—a district through which, if you pass, you will read upon the tombstones epigraphs which would reproach him for tame and ignominious submission to wrong and to insult.

He has an proud and intelligent a constituency as are to be found in any part of the globe. I am his constituent. But more than that, he has worn the epaulet and the sword; he has marched under the Palmetto banner, and his countrymen have awarded to him a sword for his good conduct in the war with Mexico. That sword was in some measure committed to him that he might use it when occasion required, to maintain the honor and the dignity of his State. When he heard of this speech first, and read it afterwards, this young man, in passing down the street, heard but one sentiment, and it was that his State and his blood had been insulted. He could not go into the drawing room, or parlor, or into a reading-room, without the street commentary reproaching him. Wherever he went the question was asked, "Has the chivalry of South Carolina escaped, and is this to be a tame submission?" What advice I would have given him I do not now undertake to say.

But, sir, when this was said to this gentleman wherever he went, he felt that if something was not done he could not face his constituents without losing his usefulness, and without there being a taint on his honor and on his courage. He may have been mistaken in some respects. His coming into the Senate-house was no option of his. When he formed his determination, as I am informed—and I have kept aloof from conversation with him—I judge from the evidence he had no purpose to profane the Senate-house. I say the Senate-house had been profaned before. I had rather to-morrow take ten blows inflicted on my body than have the gas of the rhetorician poured out upon my character and State.

The senator from Massachusetts chose to make his place here one from which to assail the history and reputation of South Carolina, and to assail a absent constituent of the gentleman who has taken refuge into his own hands. In such a condition of things who could be placed in a situation more difficult? Surely, Mr. President, something is to be pardoned to the feelings of a man acting under responsibility, and under the dictates of high honor. If any one was here, placed in a situation to feel the torturing apoplexy made by the ghost to Hamlet, "If thou hast in thee nature to bear it not," he was the man. Now, I ask the Secretary to read the extract which I have marked in the book which I send to him, and I do not intend to say where it comes from till it is read.

The Secretary read as follows:

"Do not believe that I am inciting opinions tending to disturb the peace of society. On the contrary, they are the principles that can preserve it. It is more dangerous for the laws to give security to a man disposed to commit outrages on the persons of his fellow-citizens, than to authorize those who must otherwise meet irreparable injury to defend themselves at every hazard. Men of eminent talents and virtue, on whose exertions in perilous times the honor and happiness of their country must depend, will always be liable to be degraded by every daring adulant, if they cannot defend themselves from personal insult and outrage. Men of this description must always feel that to submit to degradation and dishonor is impossible. Nor is this feeling confined to men of that exalted grade. We have thousands in our country who possess this spirit; and without them we should soon deservedly cease to exist as an independent nation. I respect the laws of my country, and revere the precepts of our holy religion; I should shudder at shedding human blood; I would practise moderation and forbearance to avoid so terrible a calamity; yet, should I ever be driven to that impossible point, where degradation and disgrace begin, may this arm shrink palsied from its socket if I fail to defend my own honor."

MR. BUTLER. Who uttered that sentiment? It is the sentiment of a gentleman whose speeches have always commanded him to me. It is a sentiment worthy of the ancient days of Boston when Dexter spoke. This is a northern man speaking; and I adopt his language. I say with him, that when things "tend to that impulsive point where degradation and disgrace begin, may my arm shrink palsied from its socket if I fail to defend my own honor!"

Sir, that sentiment was uttered at a time when clergymen confined themselves to the pulpit, and preached against crime and vice; when they did not use the pulpit as a recruiting station to issue Sharpe's rifles, and to mingle in all the bitter strife of the forum and the Agora. It was uttered when Boston knew how to respect the feelings of others. I concur in all that is said by Mr. Dexter. I deprecate blood and violence. I will not utter all that my heart prompts me to say, for fear of encouraging young men; but this I will say, that no son of mine should ever submit to insult without satisfaction.

[The honorable senator, at this point, yielded the floor at the suggestion of Mr. CLAY, on whose motion the Senate adjourned.]

FRIDAY, June 13, 1856.

MR. BUTLER. Mr. President, whilst I am indebted to my friend from Alabama, [Mr. CLAY,] for asking that this debate should be adjourned over until to-day, I regret very much that I did not finish my remarks yesterday; for I do not wish to detain the Senate on this subject longer than justice and propriety, and a regard to the questions involved, require.

Of course, Mr. President, it is obvious that I have become involved in this controversy in such a way as to make me, I hope, justly sensible to all the consequences which may grow out of the issue—not that I hold myself at all, directly or indirectly, responsible for the consequences which have followed the extraordinary speech which was delivered by the senator from Massachusetts; but there are questions which have grown out of the assault that followed the speech, of a graver import than at one time I had thought the subject could assume. I think the resolutions from Massachusetts will present questions here for the consideration of the Senate, and, I may say, for the consideration of Congress, of a character never presented before.

I had yesterday spoken of those resolutions only in one point of view—so far as they denounced the assault of my friend and relative, Mr. Brooks, as a violation of the freedom of debate. I had not ventured to speak of the resolutions as I intend to do before I have closed my remarks. From conversation with others, as well as from my own reflections, I am satisfied that they are resolutions of dangerous import and precedence, utterly unknown in the history of this country before. I think they show that one State of the confederacy may make a fatal issue in the Congress of the United States, under the immunities and privileges which by courtesy are sometimes extended to States, but would not otherwise grow up. If it is in the power of Massachusetts or South Carolina, or in the province of any one State in the Union—Wisconsin or Texas—to make such a quarrel as must necessarily result in an angry controversy that may array the different sections of the Union against each other, it is one of the most dangerous views in which the power of a State legislature can exercise the privilege or courtesies which have been awarded to it.

Sir, I have intimated this much with a view to show that I intend to denounce those resolutions—to denounce them strongly; not that I denounce the individuals who passed them. I hope that I can go higher than the resentment to the mere individual who may assault the history of my State, or who may impugn my character. This is a question that goes deeper and higher—very far beyond anything which is involved in a mere personal controversy. I will reserve these remarks on the resolutions until after I shall have finished what I intended to say yesterday in relation to the actual state of things growing out of the speech delivered by the senator from Massachusetts.

I said yesterday that my friend, my representative, my relative—one who is associated with me by more ties than either of these—had taken redress in his own hands—had resorted to his own mode of redress. I said that there were considerations connected with the occasion which, though they could not justify him before a legal tribunal, would excuse any man of his character and position, representing such constituents as he represented, and bound in some measure to sympathise with the opinions of the section with which he is associated. It was impossible that he could separate himself from those conclusions which others might not appreciate, and some could not understand. But I say that gentleman dare not—I do not say I would have advised him—but, in his estimation, he could not go home and face such a constituency without incurring what is the worst of all judgments—the judgment of the country against a man who is placed as a sentinel to represent it.

If, in the course of these proceedings, and the events which have grown out of the speech which has been made by the senator, it shall be said that Massachusetts can be justified by falling back on an opinion which will justify her senators and representatives, it is, I must be permitted to say, one of the unfortunate symptoms of the times, in regard to which we

have no common tribunal to decide between us. Sir, it seems to indicate a crisis when the opinion of the constituency of one portion of the confederacy applauds one whilst it is ready to consume and put to the stake another. We have always supposed that public opinion would be right; and, sir, I distinguish public opinion very much from popular prejudice. Popular prejudice is that which would consume in ignorance to-day what it would repent of to-morrow. Public opinion is the judgment of an intelligent community, not formed under the excitement of the moment. It is not the sentiment of an irresponsible multitude; it is not the sentiment of an *ex parte* decision; it is not the judgment which can find its way into the history of the country, or which posterity will adopt as that which ought to be pronounced on the occasion. Public opinion is the highest, the gravest, the most solemn judgment to which any of us can defer. I would not give one cent for what is called public opinion, if it depended upon *ex parte* views of any subject. And I say that the resolutions which have been sent here from the legislature of Massachusetts are not only *ex parte*, but, I am sorry to say, that I fear their counsellors were prejudice and malignity, even giving their counsels through the darkness of ignorance. I do not mean ignorance so far as regards the body individually, for I have no doubt it is intelligent enough; but I mean ignorance so far as regards pronouncing a judgment without understanding the facts on which that judgment ought to turn. I say that my friend has been condemned without a hearing. He has been condemned by a judgment which, if suffered to go into history uncontradicted, unexamined, and unfounded, would consign him to a fate which his character does not deserve, and shall not receive as long as I can stand here as his friend and advocate.

But, sir, before I approach the constitutional and legal view of these resolutions, I must acquit myself of the duty which I in some measure assumed, yesterday evening, of presenting to the public the circumstances under which the fracas, as it is termed, or the assault, on the senator from Massachusetts occurred.

I said that my friend and relative was not in the Senate when the speech was being delivered, but he was summoned here, as I have learned from others. He was excited and stung by the street rumors and the street commentaries, and by the conversations in the parlors, where even ladies pronounced a judgment; and, sir, woman never fails to pronounce a judgment where honor is concerned, and it is always in favor of the redress of a wrong. I would trust to the instinct of woman upon subjects of this kind. He could not go into a parlor, or drawing-room, or to a dinner party, where he did not find an implied reproof that there was an unmannerly submission to an insult to his State and his countrymen. Sir, it was hard for any man, much less for a man of his temperament, to bear this.

I intended to reserve a commentary which was at once made on the speech of the senator from Massachusetts as the most important part of my conclusion; but I find that I can apply it at no better time than this. I allude to the commentary which was pronounced at the time; not when a controversy had arisen; not when it was supposed that the temptations of an adversary, or even the public mind, had so far made an issue that he was obliged to take one side or the other; but it was pronounced by a gentleman of distinguished position, a sage, a patriot, a man who had won laurels in the field, and justly deserved to be considered the Nestor of the Senate. Sir, the remarks made by the member from Michigan [Mr. CASS] struck me as the most consuming piece of criticism; and I think, taking it all into consideration, it would be more terrible to me than all the arguments of an advocate, and all the array that could be brought on one side or the other. It was the testimony of voluntary justice.

"I have listened"—said that distinguished gentleman, [Mr. CASS,] who had worn the sword and the robes of the Senate with distinction and dignity—"with equal regret and surprise to the speech of the honorable senator from Massachusetts. Such a speech—the most un-American and unpatriotic that ever grated on ears of the members of this high body—as I hope never to hear again, here or elsewhere. But, sir, I did not rise to make any comments on the speech of the honorable senator, open as it is to the highest censure and disapprobation."

I am not as young a man as Mr. SUMNER, nor do I pretend to be in a condition to defy or place myself against the testimony which would put into operation a current of public opinion, such as was pronounced by the honorable senator from Michigan in his place; but, sir, I can say that, with my nature, I could not have slept that night on my pillow with such a censure and such a criticism pronounced in the Senate of the United States. I should have been ready to send a message to make atonement in some way. I should have wiped out, as far as I could by repentance and atonement, the unmannerly aggression and insult which had been offered, and was condemned by the highest authority. I do not undertake to say what was the opinion of that senator, but I can quote from his State the most consuming judgment I ever heard pronounced. The sentiments expressed in the paragraph to which I allude, and in others, show that when the effervescence of popular prejudice shall have subsided, this case might be tried even in Massachusetts itself. I should not be afraid to try it there. They are not slaves to be governed by fanatical madness. One of the journals there, in a remarkably well-written article, which I adopt, says:

"Charles Sumner's recent speeches in the United States Senate have not in any respect enhanced his reputation as a man, as a debater, or as a statesman. It is impossible, it seems to us, for any fair-minded man, who loves truth and regards honor and decency, to read these effusions, all reeking with falsehoods, bitterness and wrath, and indecency, without feeling

that Massachusetts has been disgraced by an unworthy son in the Senate chamber, before the country and in the face of the world. We venture the assertion that no parallel to these vituperative outbursts of Sumner can be found in the annals of Congress, nor in the records of any legislative assembly in the world. Overpowering passion, madness itself, seems to have bereft him of his senses, and left him oblivious of truth and honor, of the courtesies of intelligent and dignified debate, and of the proprieties of civilized life.

"We do not, we cannot, use terms too strong in relation to this matter. It is not the character of Charles Sumner alone that is involved. The fair fame of Massachusetts suffers. Whatever may have been the political errors of Massachusetts, she has ever, before, been represented in the Senate of the United States, and we might also say in the House of Representatives, by men, statesmen—Webster, Winthrop, Everett, Choate, Davis, and Bates—who knew their rights, and knowing dared to maintain, and maintained them with courtesy, dignity, and ability, in such a manner as to command the respect of their opponents, the applause of their friends, and the admiration of all their countrymen."

I knew some of the gentlemen here named, and I should never be afraid to meet them in debate anywhere, because with them I should never apprehend the assaults of calumny and slander. I cannot be reduced to such an issue that I must discount calumny and slander by the language of a blackguard. If it be the theory of gentlemen that when one uses language in debate transcending the sphere prescribed by propriety and justice, we are to resort to the same mode for redress and satisfaction, I am a non-combatant; I cannot enter into a controversy with gentlemen in which they are to banty words.

These remarks are not without their direction. I have used them to show what was the impression on the public mind at the time when the assault was committed. Mr. BINGHAM, a friend of Mr. SUMNER I presume, says in his testimony that on hearing the speech he anticipated something. It was the general impression of the whole community that he deserved to receive a chastisement; or, at least, that he was bound to make atonement in some way for the insults and the wantonness of his insults to a gentleman (as I hope I am) then absent. This was the common sentiment pervading the public mind at Washington.

What was my friend to do? Sue him? Indict him? If that was the mode in which he intended to take redress, he had better never go to South Carolina again. Was he to challenge him? That would have been an exhibition of chivalry having no meaning. Although he has been upon the field, both in open war and in a private affair, I should be very sorry to see any crisis requiring it again. A challenge would have been an advertisement to the world of his courage, when there was not a probability of its being tried. He would have made himself contemptible, and perhaps might have been committed to the penitentiary for sending a challenge.

Then, what course was left to him to pursue? Mr. SUMNER had opportunities enough to make an apology. God knows I could not have resisted the admiring criticism of the distinguished senator from Michigan, perhaps the most imposing authority in the Senate. He paid no regard to him, and for a very good reason: his speech was written, and had gone out, and he could not contradict what he had sent forth to the public with malice aforethought.

Well, sir, what did Mr. BROOKS do? It is said he sought Mr. SUMNER in the Senate chamber. It is the last place in which he wished to seek him. He would have met him in an open combat, on a fair field, and under a free sky, at any time. And when the legislature of Massachusetts chooses to say that his conduct is cowardly, let her try him in any way she chooses. [Applause.]

Mr. STUART. I hope the Chair will enforce the rules. I think, sir, what we have just witnessed has been repeated this session quite too often. If the amenities and proprieties of the Senate cannot be kept by gentlemen, they should not enter its chamber.

The PRESIDENT *pro tempore*. Does the senator desire the galleries to be cleared?

Mr. STUART. I shall not make any motion now; but I hope it will be understood by everybody who visits this chamber that the proprieties of the place shall be observed.

The PRESIDENT *pro tempore*. Persons in the galleries will distinctly understand that if there be any further demonstration the galleries will be cleared of all except ladies.

Mr. FESSENDEN. In justice to the galleries, I will suggest that the impression on this side of the house is, that the disturbance came from the floor of the Senate chamber, and not from the galleries. I hope the galleries will not be punished for the act of persons on the floor.

Mr. BUTLER. Well, sir, I will go on in such a way that nobody shall be disturbed—not that I intend to suppress any single sentiment of mine, but I shall express it in the severity of truth. I can tell the senator from Maine, with whom I have always been on good terms, that I shall say nothing out of the way.

Sir, a man who occupies a place in the Senate, representing a great Commonwealth like Massachusetts, or representing any State, as one of her senators, occupies a very high position, from which he can send forth to the public what may affect the character of almost any man, except General Washington, or some one upon whose character the verdict of history has been rendered. There is scarcely any man who can withstand the slander which may be pronounced from the Senate chamber of the United States. For this reason I would never look, and I never have looked, beyond the public position of a member here, to go into his

private or personal character. I would not do it, because by so doing I should do a wrong which I could not redress. Even a word escaping my tongue in this chamber, as a senator, might go far to injure a man where he could not correct it. We are in a position which requires high considerations for the regulation of our conduct. I agree, thoroughly, with Gen. Jackson, that the slanderer who injures third persons in difficulty and danger is an incendiary, against whom we should guard more than any one else, in a parliamentary point of view. I will quote General Jackson's language. He said: "Over the doors of each house of Congress, in letters of gold, should be inscribed the words: 'The slanderer is worse than the murderer.'" A single murder is horrible. It may take a single individual from society. But when I look at the mischievous influence of slander, I find that it pervades a whole community; makes war in society; sets family against family; individual against individual; section against section. It is the most cowardly mode in which a war can be conducted.

With the state of opinion to which I have alluded prevailing, what did Mr. Brooks do? Of course, he did not undertake to challenge Mr. SUMNER to a fist fight, or a stick fight, or any other kind of fight. He thought Mr. SUMNER deserved a chastisement, and he undertook to give it to him according to the old-fashioned notion, by caning him. I have not heard Mr. Brooks detail the circumstances. I have not conversed with him in regard to the matter; I take my information from the published testimony. Mr. Brooks, not finding him anywhere else, came to him while he was sitting in his seat here, after the Senate had adjourned. He came to him in front—different from the statement made to the Massachusetts legislature. He was half a minute in his preface or explanation. He said: "Mr. SUMNER, I have read your speech. I have read it carefully, with as much consideration, and forbearance, and fairness as I could; but, sir, I have come to punish you now for the contents of that speech, which is a libel on my State, and on a gray-haired relative."

Instinct would have prompted most men to rise immediately. Mr. SUMNER did rise. In the act of rising, Mr. Brooks struck him across the face—not, as has been represented, over his head, for that is not the truth, nor is it borne out by the testimony. On the second stroke the cane broke. It is the misfortune of Mr. Brooks to have incurred all the epithets which have been used in regard to an assassin-like and bludgeon-stick, by the mere accident of having a foolish stick, which broke. It broke again; and it was not, as I understand, until it came **very** near the handle, that he inflicted blows which he would not have inflicted if he had an ordinary weapon of a kind which would have been a security against breaking. His design was to whip him; but the stick broke, and that has brought upon him these imputations.

It has gone through the country that Mr. Brooks struck him after he was prostrate on the floor. None who know this young man could entertain such an idea. I have known him from childhood. I used to have some control over him; but the scholar has become the master, and I suppose he would not care much about my advice now. By an hereditary tie our families are more closely united than any two with whom I have been acquainted. But that is far apart from the question. Independent of his filial feelings for me, and his regard for me as his counsellor and senator, I have no doubt that a personal feeling of regard for myself, individually, influenced him.

He approached that man with no other purpose than to disgrace him as far as he could; but the stick broke. After it broke, he was reduced to a kind of necessity—a contingency not apprehended at all in the original inception of the purpose of making the assault. Notwithstanding all that has been said of his brutality, he is one of the best-tempered fellows I ever knew—temperatus, no doubt, and quick in resentment; but he did not intend what has been assigned to him.

After all that has been said and done, on a *post bellum* examination, what is it? A fight in the Senate chamber, resulting in two flesh wounds, which ought not to have detained him from the Senate. Being rather a handsome man, perhaps he would not like to expose himself by making his appearance for some time; but if he had been in the army, there was no reason why he should not go to the field the next day; and he would deserve to be censured if he did not go. What does his physician say? He says that there were but two flesh wounds; that he never had a fever while under his care and attendance, and that he was ready to come into the Senate the next day but for his advice; and his advice was, that he should not come into the Senate, because it would aggravate the excitement already too high. He did not recommend him not to go into the committee-room to be examined on the ground that his wounds had disfigured him; but for other considerations, because it might aggravate the excitement already prevailing to an extent which might lead to mischievous consequences.

This, then, is the mode of redress to which Mr. Brooks resorted. I do not say what I should have advised him to do, but perhaps it was fortunate that I was absent in one respect, for I certainly should not have submitted to that insult. Possibly it might not have been offered if I were present, though I do not know the fact, because I cannot say exactly what would be the course of one of those persons who have a way of fabricating speeches. Perhaps, being in his speech, he would have had to read it; but I think it possible that on the appeal which I would have made on my discretion, his friends might have induced him to reform it in some way so as to conform at least to the requirements of common decency in public opinion. If he had not done so, I do not know what would have been my course.

For this transaction, as I have detailed it, and without the intelligence which I have detailed being before them, the legislature of Massachusetts have sent their resolutions here. These

resolutions are without a precedent in the history of this country. I hope other senators will speak to them, for they are not only an insult to South Carolina and her representatives in Congress, but I think they assail the constitution of the country. Before commenting on them, I may be permitted to allude to the first precedent of a congressional fight, which was between two members from New England.

This affair is said to be an evidence of southern violence and southern ruffianism. Some papers speak of the bowie-knife and the revolver of southern blackguards. Why, sir, the first fight which took place in Congress was between Matthew Lyon and Roger Griswold, from Connecticut. Our ancestors in those days looked upon a fight with very little of the importance which is now attached to it. They said it was so unimportant that they were vexed that so much of the time of the House was occupied in considering it.

It seems that Matthew Lyon, originally an officer in the army, had been cashiered, and awarded a wooden sword. He then lived in Connecticut. At that time—and at this, too—in Connecticut, there was a pretty pressing opinion against a low man, and he could not stand it. He had to move over into Vermont, a new State, then the frontier of the country. He was elected a member of Congress from Vermont. He was one of the democrats. I suppose he was one of the red republicans of that day against John Adams's administration. Was he a democrat?

Mr. FOOT. Yes, sir; he was a democrat.

Mr. BUTLER. It was before the gentleman from Vermont taught school there, and Lyon assumed to be a kind of apostle of liberty and democracy. Not satisfied with instructing the people of Vermont, he went to Mr. Griswold, of Connecticut, stood behind his seat, and told him: "Sir, you do not represent Connecticut correctly; I know these people; they are mean people; they will take \$1,000 as soon as \$9,000 for a salary." Griswold stood it for a great while. Finally, Lyon said: "I will go over to Connecticut; I will talk to these people, and I will have an influence upon them; I will show whether you ought to occupy your seat or not." Griswold said, "I hope you will not go with your wooden sword."

He repeated this twice; and, after somebody suggested to Lyon that the third time was too much, he spit in Griswold's face. A great hubbub was raised, and Lyon was brought up, I suppose, to his perfect delight, to be tried as to whether he should be expelled from the House of Representatives or not. On the following day Griswold involved himself in a difficulty without any consideration. He took a good hickory stick and went to Lyon. He did not give him any notice at all. They fought with hickory sticks, and spit-boxes, and tongs, all over the House of Representatives, while the House was in session.

Our hardy ancestors at that time did not think a fight of so much importance that they should take it into serious consideration. They said, let them both go. They refused to expel either of them. When Mr. Randolph struck Mr. Allston, the matter was brought before the House. But none of these things were considered of a sufficient magnitude to invoke the high function of a legislature sending its missive to Congress to tell them what to do. Massachusetts is the first to set the example. She has not only administered a reprimand to Mr. Brooks without any evidence; she has not only assumed to pronounce judgment before hearing the evidence, like a judge passing sentence on a criminal before hearing his defence; but she has undertaken indiscriminately to say that she demands of the Congress of the United States to carry out her behests in regard to what she considers to be an outrage upon the privileges of the Senate.

Can anything be more insulting to the Congress of the United States than the spectacle of a State sending down a message to its "faithful Commons"—a message that they are to pronounce this or that judgment? Are we to submit to this? I did not wish to make the contest; but, in my opinion, these resolutions, in the terms they import, ought not to have been received by the Senate.

Taking all these things into consideration, indicted as Mr. Brooks has been by an *ex parte* accusation, without evidence, without even the finding of a grand jury, what is his position? If his case could go before any impartial tribunal, and I could employ counsel such as I would select, probably I would choose my friend from California, [Mr. WELLER,] who lives in a free State, who is an impartial man, an advocate, a gentleman, a man of honor and courage.

If a civil action were brought by Mr. SUMNER against Mr. Brooks for assault and battery, I pledge myself that, with all the resources he could bring to his command, he would be able to reduce the verdict to a penny damages. What would be the state of the pleadings? Mr. Brooks struck Mr. SUMNER would be the allegation. It would be admitted that he struck him, and inflicted two flesh wounds. Mr. SUMNER would reply, "I am a senator of the United States; and although the Senate was not in session, I was in that sacred temple, and my character is so sacred under the privileges of the Senate that I am not to be assailed." What would Mr. Brooks's counsel rejoinder? The rejoinder would be, "Sir, you had profaned and disgraced the seat you occupied before you were struck."

Then the question would be, what is this privilege so much spoken of—freedom of debate? The court would examine the question whether what was said was privileged within the rules of the Senate, or whether it was a libel. If it should be pronounced to be a libel, and I were the judge before whom an action were brought—if a man brought before me could show that another insulted his mother, or his father, or his sister, or himself, or his country, I would

say to the man who inflicted the blow. "My duty is to fine you; you are not justified by the law; but it is my privilege to say that, whilst I will enforce the law and maintain its dignity, I shall fine you as small a sum as I possibly can within my discretion."

Now let me state the testimony in such an action. It would be that, in the absence of the senator from South Carolina, Mr. SUMNER rose in his seat, and pronounced what northern papers themselves say is an unparalleled insult, not only to the State of South Carolina, but to her absent senator. It is one for which I cannot account. I ought to thank one of the Boston editors—I think the editor of the Courier—for a beautiful, perhaps an undeserved compliment, which he has paid to my speech. I ought to thank him here publicly, as one who has confidence enough to express his opinions in opposition to the tide prevailing in his part of the country. In my absence, language was used of me, which, I venture to say, no one who knew me believed. I might put that question to the senator's colleague. I know nothing against either of the senators from Massachusetts personally or privately. I dare say, as neighbors and individuals, I should not have the least right to complain of their judgment outside of the influences which operate upon them publicly and politically. They have no right here to attack any man's private character. I never transgressed the limits of propriety to reach over and look at any man's private character. I do not know that I have anything against Mr. SUMNER's private character; but that has nothing to do with the matter. Here, in his place, in *colore offici*, as a senator from Massachusetts, he undertook to traduce and calumniate the revolutionary history of South Carolina, and to make remarks in regard to one of her senators on this floor, a coequal with him, to which no one could have submitted. It happens that that senator was the constituent of a member of the House of Representatives, who was his friend. That friend, finding that his own blood was insulted by an insult to his absent relative, was goaded on by the necessity of circumstances to take some measure of revenge. As I said yesterday, surely, under such circumstances, much is to be pardoned to the feelings of a man acting under such motives.

With these remarks I dismiss the resolutions of Massachusetts, hoping that somebody else besides a senator from South Carolina will say something of them, for I do not wish to identify myself too much with them as a personal matter. I have attempted to keep aloof from that.

The senator from Massachusetts, in his speech, made one or two allusions which I must incidentally notice to show how erroneous he is whenever he touches any subject. He says I indulged in licentious abuse of the people of Kansas. When he speaks of the people of Kansas, I suppose he means those who were sent there by the aid societies. I presume he considers nobody as the people of Kansas except those who have the impression upon them of the people whom he designates to choose and comprehend within the term, "people of Kansas." He has no regard for the people of Kentucky, of Missouri, of Iowa, of Virginia, of South Carolina, who may have gone into that territory, but he says I have abused its people. I never did abuse them. I did say that the man who came here with the so-called petition of Kansas in his hand is without signatures, was attempting to come into the fold of this federal government by a fraud. I did not use as strong an expression as my friend from Louisiana, [Dr. BENJAMIN] my friend from Virginia, [Mr. MASON,] and others. I did not say that the petition was a forgery. I denounced it as a violation of the rules of the Senate to print a paper of that kind, or to give it the dignity of a paper coming from a State. This is all that I said. I did not abuse the people. But what does Mr. SUMNER say of the portion, my portion, if he chooses to call them so, though I do not wish so to characterize these, of the people of Kansas? He speaks of them as "hooligans, picked from the drunken spew and vomit of an uneasy civilization—in the form of men—

"Ay, in the catalogue ye go for men;
As hounds and greyhounds, mongrels, spaniels, curs,
Shaughns, water-rugs, and dean-wolves, are called
Ah by the name of dogs."

Sir, he could not have provoked me in the spirit of controversy to say that. I have no doubt many worthy individuals have gone there under the influence of aid societies; I have not compared them, as the senator has those who have gone there from Arkansas, Missouri, and Virginia, as to the genus of wolves, dogs, and hooligans from the spew of an uneasy civilization. All are dogs, in his estimation, that do not come under the impression of his endorsement. This is language which I could not use of any set of men with whom I was not acquainted. If I were to settle in Kansas to-morrow among those very people, I think it probable that I should be on good terms with them; for I have never had a dispute with a neighbor. I do not think these people would disturb me. But what think you of this denunciation—this rhetorical bombardment from the Senate of the United States of a class of individuals as honorable and brave a set of men, I doubt not, as any other, though, perhaps, reckless to some extent? I regret the issue pending in Kansas. I said before, and now repeat, that the very last fate to which this country should be reduced, would be to commit the arbitrament of great questions to the issue of the sword in the hands of youth willing to contend and pleased with the pride of erging in arms, and having bestowed on them all the fascination which can be imparted by danger and trial.

There is another part of his speech to which I must allude, which evinces—I do not like to use the word, but I cannot help it—the charlatan more than any production of his that I have ever seen. I was surprised when I saw it, and I venture to say there is not a person who hears me read it but will share my surprise. On a former occasion, I spoke of serving the common-law process upon Sharpe's rifles. The senator from Massachusetts undertook to say that I maintained the opinion that it was the duty of the government to take the rifles out of the hands of those who had them. Who ever understood anything of that kind from my remarks? I used "Sharpe's rifles" as I would use the name of a corporation to serve process upon, but I had no idea of going and taking the rifles out of the hands of individuals. Let me read that part of his speech in which he treats of it:

"Next comes the *Remedy of Folly*, which, indeed, is also a *Remedy of Tyranny*; but its Folly is so surpassing as to eclipse even its Tyranny. It does not proceed from the President. With this proposition he is not in any way chargeable. It comes from the senator from South Carolina, who, at the close of a long speech, offered it as his single contribution to the adjustment of this question, and who thus far stands alone in its support. It might, therefore, fitly bear his name; but that which I now give to it is a more suggestive synonym.

"This proposition, nakedly expressed, is that the people of Kansas should be deprived of their arms. That I may not do the least injustice to the senator, I quote his precise words:

"The President of the United States is under the highest and most solemn obligation to interpose; and if I were to indicate the manner in which he should interpose in Kansas, I would point out the old common-law process. I would serve a warrant on Sharpe's rifles, and if Sharpe's rifles did not answer the summons, and come into court on a day certain, or, if they resisted the sheriff, I would summon the *posse comitatus*, and would have Colonel Sumner's regiment to be a part of that *posse comitatus*."

"Really, sir, has it come to this? The rifle has ever been the companion of the pioneer, and, under God, his tutelary protector against the red man and the beast of the forest. Never was this efficient weapon more needed in just self-defence than now in Kansas, and at least one article in our national constitution must be blotted out before the complete right to it can in any way be impeded. And yet, such is the madness of the hour, that, in defiance of the solemn guarantee, embodied in the amendments to the constitution, that 'the right of the people to keep and bear arms shall not be infringed,' the people of Kansas have been arraigned for keeping and bearing them, and the senator from South Carolina has had the face to say openly, on this floor, that they should be disarmed—of course, that the fanatics of slavery, his allies and constituents, may meet no impediment. Sir, the senator is venerable with years; he is reputed also to have worn at home, in the State which he represents, judicial honors; and he is placed here at the head of an important committee occupied particularly with questions of law; but neither his years nor his position, past or present, can give respectability to the demand he has made, or save him from indignant condemnation, when, to compass the wretched purposes of a wretched cause, he thus proposes to trample on one of the plainest provisions of constitutional liberty."

His conclusion is that I intended to send a posse there to take away the rifles from those who owned them. I simply said that there was an organized body whose *providence* was Sharpe's rifles, and that I would serve such process as to bring them before the court. This was the plain meaning of my language. I would not take them unless they resisted. If they were disposed to answer in court, I would let them answer; I could indict them for resistance to the law, and have a fair and open trial before a jury. This was my meaning. He has gone off with a beautiful conception which may suit the meridian—no, sir, I will not say it, for I believe it suits no meridian where intelligence, and good sense, and honor, and justice prevail.

There is one point upon which I have no doubt the senator will be more sore under my criticism than in regard to almost anything else, though it does not affect his honor, nor do I know that it affects his personal reputation. He has chosen to go out of his way to make a fling at me, by saying that I never can be right in my statements of law or constitution, or even in the diversions of scholarship. Now, what did I say the other day? I do not believe that the senator is guilty of meanness, but his papers are full of the idea—and they have almost made a caricature of it—that when I wanted a Latin quotation I had to hand it over to him, and then bring it back and put it before the public. When Mr. SUMNER and myself sat near each other, I did not hesitate to talk to him about Latin. I believe the only time I ever asked him for a quotation was for one which I intended to insert in my obituary notice of Mr. Webster; and I recollect that on one occasion I made a quotation from Juvenal, and he gave me the Latin, for which I was very much obliged to him. I do not pretend to compete with Mr. SUMNER in the attainments of scholarship; but I must say of him, whatever may be his attainments as a scholar, I very much fear he is like one of those who has a full supply of water in his mill-pond, but does not know how to turn it on a wheel so as to move the machinery; or, rather, it is such an even current that it runs upon a gentle declivity, and has no fall to turn any wheel at all. He has enough of it, and it is always running, but what good it has done I do not know. I said on one occasion that he had not made it subservient to the

judgment of a statesman; nor do I believe he has used it as an orator would do on a high theme.

The best part of his late speech is a periphrasis of Demosthenes—almost a servile imitation of the apostrophe of Demosthenes. I never saw such a remarkable resemblance. When I said yesterday that this speech had an identity with his former ones, I should have excepted this passage, which adopted the language and the sentiments of Demosthenes. I do not say it is a plagiarism; but it is a remarkable imitation, as far as one man incapable of comprehending the true spirit of Demosthenes could imitate him. Let me give you the two passages. Here is Demosthenes upon the crown speaking to the Athenians upon the responsibility of a man who was contending for his reputation and his administration:

“It cannot be that you have acted wrong in encountering danger for the liberty and safety of all Greece. No! By the generous souls who were exposed at Marathon! By those who stood arrayed at Platea! By those who encountered the Persian fleet at Salamis—who fought at Artemisium! By all those illustrious sons of Athens whose remains he deposited in the public monuments!” * * * * *

“What belongs to gallant men they all performed; their success was such as Providence dispensed to each.”

Here is Mr. SUMNER, speaking of Massachusetts:

“But it cannot be that she acts wrong for herself and children when in this cause she thus encounters reproach. No! By the generous souls who were exposed at Lexington—by those who stood arrayed at Bunker Hill—by the many from her bosom who, on all the fields of the first great struggle, lent their vigorous arms to the great cause of all—by the children she has borne, whose names alone are national trophies—is Massachusetts now vowed irreversibly to this work. What belongs to the faithful servant she will do in all things, and Providence shall determine the result.”

Here you have Lexington substituted for Marathon, and Bunker Hill for Platea; and he has named Lexington and Bunker Hill, for they, I believe, are the only battles of the Revolution fought in Massachusetts, and they are glorious fields. This, as I have said, is a remarkable imitation. It is the best part of the speech. It is the only thing, except those polluting personalities to which I have alluded—but I will not use that term, because they hurt nobody—which distinguishes it from his former efforts.

Mr. President, I have convicted the senator of making a speech which was not in response to anything I said. I have convicted him of such historical errors as no man can mistake. I have convicted him of making allegations against me of being ignorant of law and of constitutions, and yet when he undertook to quote and expound the constitution of South Carolina, I have shown that he either never read that constitution, or he could not understand it, or, if he did understand it, he wilfully misrepresented it. He has been guilty of the *suppressio veri* and the *suggestio falsi*. He cannot escape from these propositions.

I have a copy of the senator's speech before me, and now I am going to turn his gun upon him. I ask the Senate to see if I do not turn it upon him to such an extent as to allow me to apply the apposite quotation of which I have often made use:

“Fabu'a narratur,
Mutato nomine, de te.”

Here is what he says of me:

“With regret I come again upon the senator from South Carolina, [Mr. BUTLER,] who, omnipresent in this debate”—

Why, sir, I have counted the Congressional Globe, and my remarks make but twelve pages, while his are thirty-two. I have not gone into the subject at as great length as my friends from Alabama, [Mr. CLAY,] Georgia, [Mr. TOOMBS,] and others. My speeches all put together on this subject are but twelve pages, and his are thirty-two; while those of his coadjutors amount, I suppose, to a hundred more. Yet he said I was omnipresent in this debate! I will not say that he is omnipresent in this debate, but he is omnipresent everywhere out of the debate. He says that I “overflowed with rage at the simple suggestion that Kansas had applied for admission as a State, and, with incoherent p'raes, discharged the loose expostion of his speech, now upon her representatives, and then upon her people.” I said it was a fraud, and the Senate said so. Why did he single me out? Again, alluding to me, he said:

“There was no extravagance of the ancient parliamentary debate which he did not repeat; nor was there any possible deviation from truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration.”

I do not know that I have ever been an imitator in my life. Those who know me best say that I am *in her sic generis*. I never borrow from Demosthenes, and palm it off as my own. As for my deviation from the truth, let me ask, did he tell the truth when he quoted the constitution of South Carolina, and there was no such clause in it as he stated? Did he tell the

truth when he undertook to say that her imbecility was shameful during the Revolution? I have shown that she absolutely sent bread to Massachusetts. Did he tell the truth when he meant to impute to me what he has charged here? I retort upon him everything that follows.

I retort on him the very language which he applies to me. He accused me of such a proclivity to error that I could not conform to the line of truth, or was continually deviating from it. I have convicted him before the Senate, by the evidence which I have adduced, of calumniating the history and character of South Carolina, and of misrepresenting her constitution. He has done this, not in response to anything I had said, or anything which was legitimately connected with the debate. He has undertaken to charge me with ignorance of the law and the constitution, which is perfectly independent of his arbitrary *dictum*—the *dictum*, allow me to say, of a man who has never conducted a great law case in this country. I believe no one would buy an estate worth \$10,000 upon his opinion of the title. I would not engage him to conduct a cause; not that he is not a clear man, but I would not trust him as a lawyer. And yet he undertakes to be my judge. What right has he to pronounce judgment on me as a lawyer? I am reduced to a pretty predicament at this time of life, if I am to be subjected to such a judgment! It is a judgment about which I care little; and I do not suppose any man would give fifty dollars for it even in Massachusetts.

"He cannot ope his mouth but out there flies a blunder."

I sincerely hope that what he has said is a blunder. I do not know but that he may have thought he would escape scrutiny and exposure. I hope that when he opened his mouth and said what he did in reference to these matters it was a blunder. He said of me, "the senator touches nothing which he does not disfigure." I can say of him he has touched nothing which he has not misrepresented, except it be in his general declamation, and there is no detecting a man in that; it is a matter of taste. I appreciate highly the compliment I received this morning in the Boston Courier as to the merit of my speech. The senator says of me, that "the senator touches nothing which he does not disfigure—with error, sometimes of principle, sometimes of fact." I apply this to him with this exception: I say error nearly always of principle, sometimes of fact. I leave the Senate to decide between us in that respect. Again he said of me:

"He shows an incapacity of accuracy, whether in stating the constitution or in stating the law—whether in the details of statistics, or the diversions of scholarship."

I shall not compete with him in scholarship, for I should be vulnerable there; but men who live in g'ass houses should never throw stones. Of all the things which that senator ventured to do, I think he exposed his house most when he made that assertion, with the detection which I have fixed upon him of error, injustice, and malignity. It is nailed upon him, and he cannot get rid of it. I care not how far fanaticism may undertake to influence the judgment of public opinion; it cannot alter the truth. Truth is sometimes slow in making its impression on the public mind, but, when made, it is evidence which produces a belief that cannot be resisted. That belief will grow out of my statements, my remarks, and my references, and is just as certain as the truth of the evidence, and he cannot escape from it.

Mr. President, I have detained the Senate much longer than I wished. When I gave notice that I should speak to the resolutions of Massachusetts, it was with perfect confidence that the senator would be in his seat. Finding that these resolutions were not here, on Monday last I gave notice that I should speak on Thursday, still confident that he would be here. Yesterday, having heard that perhaps he would not be present, I inquired, in as delicate a manner as I could, when he would be here. Although our relations are not friendly, I did not wish to assume a position which would be even apparently inconsistent with fair chivalry and bearing. I inquired whether he would be in the Senate within a fortnight, and, if so, I said I would postpone my remarks. Finding that it was his purpose to go in a few days to Massachusetts, and that he would not be likely to return for three or four weeks, I could not allow the opportunity to pass. I have stated these facts to show that I do not stand here taking advantage of his absence. I was willing to wait any reasonable time, but I could not allow error to prevail longer in relation to my State, my friend, or myself. This is my position.

Sir, if there is any one individual who more than another regrets the occasion on which I have spoken, it is myself. I have no temper for strife. I am passing through the last chapter of my public life, and I have no wish to identify my name with anything like a personal controversy. I have never sought it. When the question comes to be examined and solved, Who was the aggressor? it will be found that it was not I on any occasion. I admit that I have three peculiarities of manner: impatience, excitability, and, perhaps, absent-mindedness. They are peculiarities which have followed me from the cradle. But, sir, I hope I have never known the time when reason and repentance would not suppress even a temporary injustice. If injustice is done to me, or a wrong or insult offered, I never stop to parley in words. I ask justice, and if it is not given, I never would be in the wrong if I could help myself; but when I am in the right I do not think any man can blame me for vindicating my principles.

Now, sir, I appeal to the good sense of this country. I appeal to the lessons which its grave history inculcates. I appeal to the position which it occupies in relation to the history of the world, and to the high responsibilities which now rest on this confederacy, not

to allow it to be dissolved in blood. If we are to separate, let us have common sense enough to do it in a way becoming intelligent men who have learned their lessons from the highest sources of intelligence and wisdom. If we are to live together, let it not be upon the terms prescribed or intimated by the tone and temper of the licentious and aggressive language of the speech delivered by the senator from Massachusetts. It is impossible for self-respect to allow me to sit here and listen quietly to such a speech. If there were separate confederacies to-morrow, he dare not utter it without subjecting himself to a peril which he will not encounter now. He would then put his section in a position to make war, and he would be responsible to a higher tribunal than that of those who have erected themselves into it under an influence which I think must perish; and I hope the day is fast coming when the fires of that limited sectionalism will burn out, or will be reduced to the ashes of disappointment and disgrace.

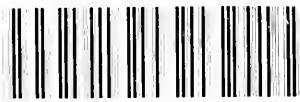


LIBRARY OF CONGRESS



0 016 087 978 6

LIBRARY OF CONGRESS



0 016 087 978 6